

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

December 7, 2005

Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Jerry Libbin

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration", Division 30 Entitled "Committee For Quality Education In Miami Beach Schools", Section 2-190.137 Thereof Entitled "Composition; Knowledge And Experience", By Deleting From The Committee's Membership The Three Nonvoting City Ex Officio Members And Instead Providing For Two City Commissioners And A City Manager Designee To Serve As Liaisons Between The Committee And The City Commission/Administration; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading, Public Hearing** (Page 423)
(Requested Commissioner Matti Herrera Bower)
(First Reading on October 19, 2005)
- R5B Off-Street Parking Requirement For Residential Uses
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, Article VIII, "Procedure For Variances And Administrative Appeals," By Clarifying The Language Of Prohibited Variance Applications; Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," By Increasing The Off-Street Parking Requirement For Residential Uses And Suites Hotel Units In All Districts, Clarifying How Parking Requirements May Be Satisfied, Providing For Repealer, Severability, Codification And An Effective Date. **10:30 a.m. Second Reading, Public Hearing** (Page 427)
(Planning Department)
(First Reading on October 19, 2005)

R5 - Ordinances (Continued)

- R5C An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21 – 28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending And Renumbering Section 46-160, Entitled "Nuisance," As Section 46-161, And Renaming Section 46-160 As "Relief From Violations For Sound Systems And Compliance" And Creating Provisions Therefore; Amending And Renumbering Section 46-161, Entitled "Motor Vehicle Alarms" As Section 46-162 Which Is Hereby Created; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading** (Page 432)
(City Manager's Office)
(Continued from October 19, 2005)

- R5D Development Regulations For Single-Family Lots Abutting A GC-Golf Course District
An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Creating Section 142-109, "Development Regulations For Single-Family Lots Abutting A GC Golf Course District," Providing For Legal, Non-Conforming Status For Existing Structures, Rear Setbacks And Encroachments Into Easement Areas; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 469)
(Planning Department)
(Deferred from July 6, 2005)

- R5E DRB Scope and Exemptions
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures" By Clarifying The Scope Of Review Of The Design Review Board As It Pertains To Single Family Homes And Townhomes; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading** (Page 476)
(Planning Department)

R5 - Ordinances (Continued)

R5F Parking Pedestal Design Requirements

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; Providing For Repealer, Codification, Severability And An Effective Date.

First Reading

(Page 483)

(Planning Department)

R5G An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Bicycle Program Coordinator, Case Worker Ii, Chief Building Code Compliance Officer, Chief Fire Protection Analyst, Community Information Coordinator, Emergency Management Coordinator, Environmental Resources Manager, Film & Event Production Manager, Grants And Operations Administrator, Labor Relations Director, Labor Relations Specialist, Landscape Projects Coordinator, Management Consultant, Media Assistant, Neighborhood Services Projects Administrator, Park Facility Manager, Radio Systems Administrator, Senior Management Consultant, Senior Network Administrator, Senior Systems Analyst, Senior Systems Administrator, Senior Telecommunications Specialist, Systems Administrator, Systems Analyst, Telecommunications Specialist, Traffic Engineer, Transportation Manager, Truancy Prevention Program Coordinator, Urban Forester, And Voip Network Administrator; Amending The Title And Grade Of The Classification Of Labor Relations Director And Grades Of The Classifications Of Network Administrator, Procurement Coordinator And Senior Procurement Specialist; Providing For A Repealer, Severability, Effective Date, And Codification. **First Reading** (Page 496)

(Human Resources)

R5H An Ordinance Amending Division 2, Entitled "The Barrier-Free Environment Committee"; Amending Section 2-31 Entitled "Established; Purpose; Composition" By Changing The Committee's Name To "Disability Access Committee." **First Reading** (Page 509)

(Public Works)

R7 - Resolutions

- R7A A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of The Two (2) Remaining Public Alleys, Generally Located Within Block 53, Between 16th Street And Lincoln Road, And Washington And Drexel Avenues, And Containing (Collectively) Approximately 7,423 Square Feet, In Favor Of The Applicant(And Developer Of The 420 Lincoln Road Project), 420 Lincoln Road Development Group, Inc., A Florida Corporation; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; Provided Further That The City's Approval Of The Aforestated Vacation Is Subject To And Contingent Upon 420 Lincoln Road Development Group, Inc.'s Satisfaction Of The Conditions Set Forth In This Resolution; Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office; And, Provided Further, That The Vacation Of The Alleys, As Set Forth Herein, Shall Be Subject To A Right Of Reverter That Can Be Exercised By The City If A Full Building Permit Is Not Issued For The Project Within Three (3) Years Of The Conveyance Of The Alleys To The Developer. **10:20 a.m. Public Hearing** (Page 515)
(Public Works)
- R7B A Resolution Extending On Second Reading The Approval Of The Miami Beach Convention Center As A Venue For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of F.S. 847.0134. **5:01 p.m. Second Public Hearing** (Page 534)
(Tourism & Cultural Development)
(First Public Hearing on October 19, 2005)
- R7C A Resolution Setting The Dates For The Year 2006 City Commission Meetings. **Joint City Commission And Redevelopment Agency** (Page 541)
(City Clerk's Office)
- R7D A Resolution Approving The City's State Legislative Agenda For The 2006 Session Of The Florida Legislature. (Page 548)
(Economic Development)
- R7E A Resolution Accepting The City Manager's Ranking Of Firms Relative To Request For Proposals (RFP) No. 36-04/05, For The Design, Deployment, And Management Of A Citywide Wireless Network (WiFi); Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Wireless Facilities, Inc. (WFI) And Deploy A 1/2 Mile Pilot Network, And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Enter Into Negotiations With The Second-Ranked Firm Of International Business Machines (IBM) Corporation; Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration, In The Base Estimated Amount Of \$4,198,172, Which Includes The Cost For The Network Infrastructure, Architecture And Design Services, Installation, And Six (6) Years Of Operation, Maintenance, Project Management, Support And Warranty Services; Options In The Estimated Amount Of \$1,496,000; And 20% Contingency; And Further Appropriating Funds In The Amount Of \$3,240,847.20 From The Information And Communication Technology Fund. (Page 563)
(Information Technology)

R9 - New Business and Commission Requests

R9A Board And Committee Appointments. (Page 601)
(City Clerk's Office)

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 607)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Discussion Regarding Extending Alcohol Serving Hours To 7:00 a.m. On New Years Eve.
(Page 609)
(Requested by Commissioners Luis R. Garcia, Jr. and Matti Herrera Bower)

R9D A Resolution Accepting The Recommendation Of The City Manager To Resolve The Remaining Impasse Items Between The City And The Communications Workers Of America (CWA), As Recommended By The Finance And Citywide Projects Committee; Providing That In The Event That The Agreement Is Not Ratified By The Bargaining Unit Employees, Then Only The Items In The First Fiscal Year (October 1, 2003 Through September 30, 2004) Of The Proposed Package Shall Be Imposed On December 7, 2005 Per Chapter 447 Of The Florida Statutes And In The Event That The Agreement Is Ratified By The Bargaining Unit Employees, Then The Three (3) Year Agreement Will Take Effect On The Date Of The Ratification And The Benefits In That Contract Will Become Effective As Stated In The Terms Of That Package Of Benefits; Further In The Event That The Agreement Is Ratified, Authorizing The Mayor And City Clerk To Execute The Agreement.
(Page 613)
(Labor Relations)

R9E Discussion Regarding Unsafe Pedestrian Crosswalks On West Avenue. (Page 619)
(Requested by Commissioner Matti Herrera Bower)

R9F Discussion Regarding Establishing A Moratorium On Driving Vehicles On The Beach. (Page 621)
(Requested by Commissioner Matti Herrera Bower)

R9G Report And Discussion On The Uses And Types Of City Vehicles On Our Beaches. (Page 623)
(Requested by Mayor David Dermer)

R9H Discussion On The Creation Of A Task Force Committee To Discuss And Recommend Condominium Reform Items. (Page 633)
(City Manager's Office/City Attorney's Office)

R9I Discussion Of Historic Preservation Board Resolution Pertaining To The Down Zoning Of Flamingo Park Or The Reduction Of Maximum Building Heights On Ocean Front Lots. (Page 639)
(Planning Department)

R9 - New Business and Commission Requests (Continued)

- R9J Nightlife Industry Task Force - Extension Of Hours For Saturday, December 31, 2005 - Sunday, January 1, 2006. (Page 643)
(City Manager's Office)
- R9K Discussion Regarding The Creation Of A Hurricane Task Force, To Examine The City's Readiness And Response To The Two Hurricanes We Experience This Year. (Page 645)
(Requested by Vice-Mayor Richard L. Steinberg)
- R9L Discussion Regarding An Ordinance Allowing Any Establishment That Had A License To Present Full Nude Entertainment, To Sell And Service Alcohol As Long As It Was In Compliance With All Other City And State Laws. (Page 647)
(Requested by Commissioner Luis R. Garcia, Jr.)
- R9M Discussion Regarding The Status Of The Convention Center Expansion. (Page 649)
(Requested by Commissioner Luis R. Garcia, Jr.)

R10 - City Attorney Reports

- R10A Notice Of Attorney - Client Session. (Page 652)
Pursuant To Section 286.011(8), Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Frank Otero V. City Of Miami Beach, Florida, La Gorce Country Club, Inc. And DM Fence Corporation. The Circuit Court Of The Eleventh Judicial Circuit In And For Miami-Dade County, Florida, Case No. 05-17754 CA 04- LEESFIELD.

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On December 7, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matter.

The Following Individuals Will Be In Attendance: Mayor David Dermer, Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia, Jr., Saul Gross, Jerry Libbin And Richard Steinberg; City Manager Jorge M. Gonzalez, City Attorney Murray H. Dubbin And First Assistant City Attorney Gary Held.

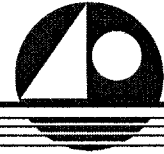
Reports and Informational Items

- A City Attorney's Status Report. (Page 655)
(City Attorney's Office)
- B Parking Status Report. (Page 657)
(Parking Department)
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2. (Page 697)
(Capital Improvement Projects)
- D Status Report On The Construction Of Fire Station No. 4. (Page 699)
(Capital Improvement Projects)
- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Page 701)
(Procurement)
- F Non-City Entities Represented By City Commission:
 - 1. Minutes From The Performing Arts Center Trust Board Meeting Of September 13, 2005 And Agenda For The November 8, 2005 Meeting. (Page 705)
(Requested by Commissioner Matti Herrera Bower)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



Office of the City Clerk

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CABLE CHANNEL 77, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE NO EARLIER THAN 9:00 A.M. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum is split into two (2) sessions, 1:30 p.m. and 5:30 p.m., or as soon as possible thereafter, provided that the Commission Meeting has not already adjourned prior to the time set for either session of the Forum. In the event of adjournment prior to the Stanley Sutnick Citizens' Forum, notice will be posted on Cable Channel 77, and posted at City Hall. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a time period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website: <http://miamibeachfl.gov>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the Agenda, there will be a period allocated at the commencement of the Commission Meeting when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes, or for a longer or shorter period, at the discretion of the Mayor.

**2005 Schedule of City of Miami Beach
City Commission and RDA Redevelopment Agency Meetings**

Meetings begin at 9:00 a.m. and are held in the City Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Commission Meetings

"Alternate" Commission Meetings

January 12 (Wednesday)

February 2 (Wednesday)

February 23 (Wednesday)

March 16 (Wednesday)

April 20 (Wednesday)

May 18 (Wednesday)

May 25 (Wednesday)

June 8 (Wednesday)

July 6 (Wednesday)

July 27 (Wednesday)

September 7 (Wednesday)

September 14 (Wednesday)

September 8 (Thursday)

September 21 (Wednesday) Special Commission Meeting

October 19 (Wednesday)

October 26 (Wednesday)

November 2* (Wednesday)

November 16* (Wednesday)

December 7 (Wednesday)

December 14 (Wednesday)

* Election related items only.

The "alternate" City Commission meeting date have been reserved to give the Mayor and City Commission the flexibility to carry over a Commission Agenda item(s) to the "alternate" meeting date, if necessary. Any Agenda item(s) carried over will be posted on the City's website, aired on Government Channel 20, or you may call the City Clerk's office at (305)673-7411.

Dr. Stanley Sutnick Citizens' Forum will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m. and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: DECEMBER 7, 2005

**TO: MAYOR DAVID DERMER
MEMBERS OF THE CITY COMMISSION AND
CITY MANAGER JORGE M. GONZALEZ**

FROM: MURRAY H. DUBBIN 
CITY ATTORNEY

**SUBJECT: ORDINANCE AMENDING CITY CODE CHAPTER 2, DIVISION 30
THEREOF ENTITLED "COMMITTEE FOR QUALITY EDUCATION IN
MIAMI BEACH SCHOOLS".**

Pursuant to the request of City Commissioner Matti H. Bower, and in accordance with directives of the City Commission, the attached Ordinance has been prepared amending Code Section 2-190.137 governing the composition of the Committee for Quality Education in Miami Beach Schools—the amendment deletes the three nonvoting ex officio members on the Quality and Education Committee, and instead provides for said three individuals to serve as liaisons to report actions of the Committee to the City Commission/Administration.

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1700 Convention Center Drive -- Fourth Floor -- Miami Be

Agenda Item RSA
Date 12-7-05

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ENTITLED "ADMINISTRATION", DIVISION 30 ENTITLED "COMMITTEE FOR QUALITY EDUCATION IN MIAMI BEACH SCHOOLS", SECTION 2-190.137 THEREOF ENTITLED "COMPOSITION; KNOWLEDGE AND EXPERIENCE", BY DELETING FROM THE COMMITTEE'S MEMBERSHIP THE THREE NONVOTING CITY EX OFFICIO MEMBERS AND INSTEAD PROVIDING FOR TWO CITY COMMISSIONERS AND A CITY MANAGER DESIGNEE TO SERVE AS LIAISONS BETWEEN THE COMMITTEE AND THE CITY COMMISSION/ADMINISTRATION; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Division 30 entitled "Committee for Quality Education in Miami Beach Schools", Section 2-190.137 thereof entitled "Composition; knowledge and experience", is hereby amended to read as follows:

Sec. 2-190.137. Composition; knowledge and experience.

The committee shall consist of 15 voting members and three nonvoting ex officio members to be comprised as follows:

- (1) A representative selected by the Parent Teacher Association of North Beach Elementary.
- (2) A representative selected by the Parent Teacher Association of Biscayne Elementary.
- (3) A representative selected by the Parent Teacher Association of Feinberg-Fisher Elementary.
- (4) A representative selected by the Parent Teacher Association of South Pointe Elementary.
- (5) A representative selected by the Parent Teacher Association of Nautilus Middle School.
- (6) A representative selected by the Parent Teacher Association of Miami Beach High School.
- (7) A representative selected by the Parent Teacher Association of Ruth K. Broad Elementary School.
- (8) A representative selected by the Parent Teacher Association of Treasure Island Elementary School.
- (9) Seven members of the public with knowledge or expertise with regard to education issues who shall be direct appointments by the mayor and each city commissioner with no more than three who can be employed or contracted by Miami-Dade County public schools.

- (10) ~~An assistant city manager or any appropriate city staff member for the city, as designated by the city manager for the city, who shall sit as a nonvoting ex-officio member of the committee.~~
- (11) ~~Two city commissioners who shall be appointed by a majority vote of the city commission and who shall sit as nonvoting ex-officio members of the committee.~~

The City Commission shall designate two of its members to serve as City Commission liaisons who shall report to the City Commission actions of the Committee for Quality Education; the City Manager shall further designate a member of city staff to serve as a liaison who shall report the Committee's actions to the City Manager.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the ____ day of _____, 2005.

PASSED and ADOPTED this ____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

(Requested by Commissioner Matti H. Bower)

JKO\ed

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

12/1/05

Date

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 7, 2005**, to consider the following:

10:30 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, Article VIII, "Procedure For Variances And Administrative Appeals," By Clarifying The Language Of Prohibited Variance Applications; Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," By Increasing The Off-Street Parking Requirement For Residential Uses And Suites Hotel Units In All Districts, Clarifying How Parking Requirements May Be Satisfied.

Inquiries may be directed to the Planning Department at (305) 673-7550.

***10:15 a.m.**

An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration," Division 30 Entitled "Committee For Quality Education In Miami Beach Schools," Section 2-190.137 Thereof Entitled "Composition, Knowledge And Experience," By Deleting From The Committee's Membership The Two City Commissioner Ex Officio Members And Instead Providing For One City Commissioner Representative To Act As Liaison Between The Committee And The City Commission.

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #343

Condensed Title:

An ordinance that increases the off-street parking requirement for residential uses in all districts.

Key Intended Outcome Supported:

- Increase satisfaction with neighborhood character
- Improve Parking Availability

Issue:

Whether the parking requirements for new residential buildings be increased from 1½ spaces per unit to 2 spaces per unit and also include a provision for guest parking

Item Summary/Recommendation:

The proposed ordinance would increase the required parking prospectively for all the new construction of residential buildings and for suites hotel units should also be required to provide 2 spaces per unit when they include full kitchens. The proposed ordinance also clarifies the language of prohibited variance applications and other minor technical amendments to Section 130-33, "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 and 4."

Because of the changes and research requested by the Land Use and Development Committee, the Administration recommends that this item be continued to the February 8, 2006 City Commission meeting.

Advisory Board Recommendation:

At the August 23, 2005 meeting, the Planning Board recommended approval of the proposed ordinance by a vote of 6-0. On November 14, 2005, the LUDC reviewed the proposed ordinance and suggested additional changes such as extending the exceptions of the applicability of the amendment to the South Pointe DRI Development Agreement; revision of the threshold for guest parking; and developing a formula for required parking according to unit size.

Financial Information:

Source of Funds:



OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:

The proposed ordinance is not expected to have any fiscal impact

City Clerk's Office Legislative Tracking:

Mercy Lamazares/Jorge G. Gomez

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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MIAMIBEACH

AGENDA ITEM RSB
DATE 12-7-05



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **OFF-STREET PARKING REQUIREMENT FOR RESIDENTIAL USES**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, ARTICLE VIII, "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS," BY CLARIFYING THE LANGUAGE OF PROHIBITED VARIANCE APPLICATIONS; CHAPTER 130, "OFF-STREET PARKING," ARTICLE II, "DISTRICTS; REQUIREMENTS," BY INCREASING THE OFF-STREET PARKING REQUIREMENT FOR RESIDENTIAL USES IN ALL DISTRICTS, AND CLARIFYING HOW PARKING REQUIREMENTS MAY BE SATISFIED. PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The Administration recommends that this item be continued to the February 8, 2006 City Commission meeting.

BACKGROUND

At the April 26, 2005 meeting, after a lengthy discussion about the parking shortage for residential uses and comparing the regulations of the City of Miami Beach to other similar jurisdictions, the Planning Board directed staff to prepare an ordinance that increases the parking requirement for new residential construction to 2 spaces per unit from the existing 1.5 spaces per unit, exempting lots 50 feet in width, and to include designated guest parking. The Planning Board recommended approval of the proposed ordinance at its August 23, 2005 meeting by a vote of 6-0 and also recommended that the proposed ordinance be modified to include a clarification that suites hotel should also require 2 spaces per unit when they include full kitchens.

ANALYSIS

The City Commission reviewed the proposed amendment at the October 19, 2005 meeting and approved the ordinance on first reading and referred the item to the Land Use and Development Committee (LUDC). The Commission requested several changes to be reviewed at the LUDC:

- Provide a chart that shows how many parking spaces have been built in relation to the number of in the new construction.
- A deadline and cut off date for when this ordinance will apply to complete a project not just that they are in the pipeline, which is necessary for projects that have zoning progress.

On November 14, 2005, the LUDC reviewed the proposed ordinance and suggested additional changes:

- Extend the exceptions of the applicability of the proposed ordinance to those projects that are included in the South Pointe DRI Development Agreement.
- Revise the threshold for guest parking.
- Create a formula for required spaces according to unit size.

CONCLUSION

Because the requests by the City Commission and subsequently by the LUDC require additional research and study, it is recommended that this item be continued to the February 8, 2006 meeting of the City Commission.

JMG/TH/JGG/ML

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ORDINANCE TO BE SUBMITTED

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 7, 2005**, to consider the following:

***10:30 a.m.**

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, Article VIII, "Procedure For Variances And Administrative Appeals," By Clarifying The Language Of Prohibited Variance Applications; Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements," By Increasing The Off-Street Parking Requirement For Residential Uses And Suites Hotel Units In All Districts, Clarifying How Parking Requirements May Be Satisfied.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:15 a.m.

An Ordinance Amending Miami Beach City Code Chapter 2, Entitled "Administration," Division 30 Entitled "Committee For Quality Education In Miami Beach Schools," Section 2-190.137 Thereof Entitled "Composition, Knowledge And Experience," By Deleting From The Committee's Membership The Two City Commissioner Ex Officio Members And Instead Providing For One City Commissioner Representative To Act As Liaison Between The Committee And The City Commission.

Inquiries may be directed to the City Clerk's Office at (305) 673-7411.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #343

Condensed Title:

An Ordinance amending the City Code to adopt a Noise Ordinance.

Key Intended Outcome Supported:

Increase resident satisfaction with level of code enforcement.

Issue:

Shall the City Commission approve a noise ordinance on first reading?

Item Summary/Recommendation:

This topic was presented at the last two City Commission meetings. In each case a recommendation was jointly forwarded to the City Commission by the stakeholder representatives to allow additional time for the parties to meet and attempt to refine the Ordinance. The meetings between the City and the stakeholder representatives have continued subsequent to each of the City Commission meetings and the proposed Ordinance has been amended and changed to reflect a variety of concerns and positions as reflected by different parties.

The draft Noise Ordinance represents a substantial effort to provide a fair and effective mechanism to regulate noise within the City of Miami Beach. The core of the Ordinance, Miami-Dade County Code Section 21-28, is a constitutionally valid basis for noise enforcement that is both flexible and tested, in that it has been used in the City of Miami Beach with good affect for approximately the last five year period of time. While much of the attached Ordinance is generally acceptable to all of the stakeholders that have participated to a significant degree in the preparation and development of the Ordinance, the different stakeholder groups would prefer to have increases or decreases in the warnings and fines and penalties as presented, depending upon their group interests. That the opposing parties would seek increases or decreases to the same provisions is an indication that the version presented to the City Commission for consideration is appropriately near the middle of those opposing interests. While the City Administration has not taken a policy position on the appropriate number of warnings or number of violations and penalties associated with those violations, the document as represented does constitute an Ordinance which is believed to be an effective deterrent for violations and within the capability of the City Administration to implement and enforce.

It is suggested and a part of the recommended motion that upon approval of a version of the Noise Ordinance by the City Commission, that the City Administration monitor and report back to both the City Commission and key stakeholders on the effectiveness of enforcement and the true deterrence that the Noise Ordinance has been able to accomplish for noise generation within our community. While a one year report is the maximum time that would be suggested, the City Commission may wish to specify a shorter period of time in which to report back on results or impacts associated with use of the Noise Ordinance. Members of the City Commission may also find it helpful to refer to one of the City Commission committees a more detailed discussion of the Noise Ordinance between a First and Second Reading.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
OBPI			
Total			

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

 AGENDA ITEM RSC
 DATE 12-7-05



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 7, 2005

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-151, ENTITLED "DEFINITIONS," TO PROVIDE NEW TERMS AND DEFINITIONS AND DELETING CERTAIN TERMS AND DEFINITIONS; AMENDING SECTION 46-152, ENTITLED "UNREASONABLY LOUD NOISE PROHIBITED," BY AMENDING THE TITLE AND ADOPTING SECTION 21-28 OF THE CODE OF MIAMI-DADE COUNTY BY REFERENCE; AMENDING SECTION 46-153, ENTITLED "RESPONSIBILITY FOR COMPLIANCE," BY AMENDING THE PROVISIONS THEREOF; REPEALING SECTION 46-154, ENTITLED "NOISE LEVEL IN SPECIFIC AREA"; REPEALING SECTION 46-155, ENTITLED "ADDITIONAL SOUND LIMITATIONS FOR PUBLIC PROPERTY"; AMENDING SECTION 46-156, ENTITLED "TEMPORARY PERMITS," BY EXPANDING THE PROHIBITED AREAS FOR CONSTRUCTION NOISE TO WITHIN 300 FEET OF CERTAIN DISTRICTS AND AMENDING THE EXEMPTIONS FOR SPECIAL EVENTS AND FILM PERMITS; AMENDING SECTION 46-157, ENTITLED "EXEMPTIONS," AND BY DELETING SUBSECTION (11) AND AMENDING THE PROVISIONS THEREOF; AMENDING SECTION 46-158, ENTITLED "ENFORCEMENT BY CODE INSPECTORS; NOTICE OF VIOLATION," BY AMENDING THE PROCEDURES FOR ENFORCEMENT AND WARNINGS; AMENDING SECTION 46-159, ENTITLED "CIVIL FINES FOR VIOLATION; APPEALS," BY AMENDING THE FINES AND PENALTIES FOR VIOLATIONS, THE APPEAL PROCEDURES, AND THE ALTERNATE MEANS OF ENFORCEMENT; AMENDING AND RENUMBERING SECTION 46-160, ENTITLED "NUISANCE," AS SECTION 46-161, AND RENAMING SECTION 46-160 AS "RELIEF FROM VIOLATIONS FOR SOUND SYSTEMS AND COMPLIANCE" AND CREATING PROVISIONS THEREFOR; AMENDING AND RENUMBERING SECTION 46-161, ENTITLED "MOTOR VEHICLE ALARMS," AS SECTION 46-162 WHICH IS HEREBY CREATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance on First Reading, set a 2nd Reading Public Hearing, and direct that one (1) year after final adoption and passage of the Ordinance that the Administration present a report to the City Commission and interested stakeholders

on the enforcement impact and effectiveness of the subject Ordinance and, further, that the Administration continue its ongoing efforts to implement an improved tracking system for enforcement activities associated with this Ordinance.

BACKGROUND

This memorandum is organized into several subsections intended to provide the Mayor and City Commission with at least an overview of the significant variety and complexity of issues associated with the development and discussion of a Noise Ordinance. The memorandum will cover the underlying principles embraced by the parties to the Noise Ordinance discussion that are ultimately embodied in the provisions of the proposed Ordinance, the significant features of the Noise Ordinance in summary fashion and a review of the outstanding issues which appear to exist at the time of writing this memorandum among the parties to the Noise Ordinance discussion.

There has been a significant contribution of time and resources from a variety of parties in the development of the Noise Ordinance. Beyond the hundreds of hours of City administrative time devoted to this subject, significant contributions of time and effort have also been made by a number of the residents and businesses within the community in an effort to produce a Noise Ordinance that is effective and fair to all of the concerned parties. While some of the participants or parties to the Noise Ordinance discussion may express frustration that their ideas or concerns have not been embraced within the document as presented, there should be no disagreement that all parties have had an opportunity to voice their concerns and to discuss the basis for that concern on multiple occasions. Representatives of the principal stakeholder participants which were comprised of residents, hotels and nightlife industry businesses all contributed in some manner to the Ordinance which is presented for City Commission consideration. While the Ordinance is not a consensus document, many of the provisions have been accepted and only a limited number of issues remain for which there appears to be differing opinions among the respective groups. The Ordinance as presented is not fully representative of the positions or concerns expressed by any one of the stakeholder representatives or groups.

This topic was presented at the last two City Commission meetings for City Commission consideration and possible action; in each case a recommendation was jointly forwarded to the City Commission by the stakeholder representatives to allow additional time for the parties to meet and attempt to refine the Ordinance. The meetings between the City and the stakeholder representatives have continued subsequent to each of the City Commission meetings and the proposed Ordinance has been amended and changed to reflect a variety of concerns and positions as reflected by different parties. It is important to note that even though hundreds of hours of time and effort have been devoted to the discussion and development of this Ordinance, the meetings and discussions in the last several months have been held exclusively with City Administration representatives and representatives of the identified stakeholder groups. It is very likely that individuals within the community will view the City Commission consideration and Ordinance approval process as the first opportunity to voice an opinion, express a concern or simply be exposed to the

details associated with the draft Ordinance. The Mayor and City Commission consideration and Ordinance approval process is the most appropriate venue for public input and discussion to occur at this point of the Ordinance development as further stakeholder representative meetings are not viewed as productive at this point in time.

Noise Ordinance Underlying Principles

Perhaps one of the most obvious, yet often overlooked points, in the Noise Ordinance discussion is that Miami-Dade County Code Section 21-28 (hereafter 21-28) is currently the noise law that is enforced by the City of Miami Beach and has been utilized by the City of Miami Beach for approximately five years in the control of noise. The specific provisions of 21-28 used to regulate the amount of noise that is permissible within the community are not proposed to be altered in the Noise Ordinance as presented to the City Commission. Development of the Ordinance has been conscientiously tailored to strictly follow the current provisions of 21-28 so as not to introduce a new body of law in the community that is or will be subject to ongoing judicial challenge. County Code section 21-28 has been upheld on a constitutional basis by a District Circuit and the opinion was very thorough in its treatment of the currently enforced provisions of 21-28. The Ordinance as presented clearly does not alter the noise standards established in 21-28 but rather establishes a framework for which the Ordinance is used and enforced within the community, and clearly establishes a set of standards associated with the due process requirements and penalty requirements associated with the enforcement of 21-28. A key and very significant principle in the development of the attached Noise Ordinance was not to alter, amend or interpret the provisions of 21-28 and thereby subject the community to continued litigation which has been ongoing for the past several years with the City and different parties within the community.

Significant principles which have been embraced by the stakeholder participants in the Noise Ordinance discussion and development are as follows:

- Enforcement of the Noise Ordinance is important in order to protect and enhance the resident quality of life.
- The focus of the Ordinance enforcement efforts should be to achieve compliance not to penalize.
- The Noise Ordinance thresholds that are established in 21-28 should not be violated.
- Sound/Noise is manageable by a variety of engineered solutions.
- Each property within the community must assume responsibility for the management of sound produced on that property.
- There needs to be an effective Noise Ordinance within the community that has sufficient provisions to ensure compliance.
- The Noise Ordinance should contain an escalating series of fines and penalties in order to deter repeat offenders.
- The penalty provisions of the Noise Ordinance are intended to be directed at repeat offenders not those who make an occasional error.
- Noise regardless of the size of the venue is to be treated in the same manner throughout the City.

- Given the urban nature and development patterns of the City of Miami Beach, some noise is to be expected within the community.
- A tracking system that is comprehensive, transparent and publicly accessible is important to the ongoing enforcement and effectiveness of the Noise Ordinance.
- Training for all those either enforcing and or possibly affected by the Noise Ordinance should be provided at least on an annual basis. Internal training as to the provisions of the Noise Ordinance, the thresholds that are established within the Noise Ordinance and how to effectively utilize the terms of the Noise Ordinance need to be directed both to the Code Enforcement Officers, as well as to Special Masters who may hear such Noise Ordinance related cases. Training and information for businesses who may be impacted by the Noise Ordinance in order to familiarize them with the terms of the Ordinance, how it is to be enforced, how to avoid violations and a general understanding of the principles of noise generation should be provided.
- Public information on the provisions and processes used in the enforcement of noise standards should be provided upon adoption of an ordinance.

Each of the above described principles or points are important and are reflected in provisions found in the body of the Ordinance as presented to the City Commission. Frequently during the discussion among the stakeholders on the Noise Ordinance, it was necessary to revisit and to remind individuals of the underlying principles in order to move discussions forward.

Noise Ordinance Features

A number of significant elements are addressed in the attached draft Ordinance relative to noise. The underlying basis for the Ordinance was the City's existing Chapter 46 Noise Ordinance that has not been used by the City of Miami Beach for at least the last five years.

Historically, the City of Miami Beach stopped using the provisions of the City's Noise Ordinance contained in Chapter 46 and began using and enforcing Miami-Dade County Section 21-28 in response to concerns raised by the City's Legal Department. In 2002, then Deputy City Attorney, Robert Dixon provided a memorandum to Commissioner Saul Gross relative to the potential challenges associated with use of the City Code Section 46 Noise Ordinance and enforcement efforts that would be related to that Ordinance. Even though the City Attorney's Office noted that there might be problems associated with use of Miami-Dade County 21-28, the County Code section represented an available and in place alternate enforcement tool that, together with County support, provided a more effective vehicle for the City's enforcement efforts.

Subsequent to the 2002 communication from the City Attorney's Office, the constitutionality of 21-28 has been upheld and that opinion has been provided in previous background material for the City Commission review and consideration.

The attached draft Ordinance adopts Miami-Dade County Section 21-28 in its entirety and places it into the City Code of Laws. While it may not be technically necessary to have the City Commission formally adopt 21-28 into the Code of Laws, such action does eliminate a possible challenge as the City proceeds with enforcement activities into the future. In earlier litigations relative to noise enforcement, this question was raised by opposing counsel even though it was never pursued as a litigated issue.

A number of the changes which are represented for City Commission consideration in the attached Noise Ordinance are made so that the adoption of 21-28 does not conflict with existing language in the City's Chapter 46 Noise Ordinance. By way of example, the existing Chapter 46 Noise Ordinance definition of "plainly audible" is recommended as an important deletion in the attached draft Ordinance, as 21-28 also includes a treatment of that term. Carrying the existing definition of "plainly audible" forward would introduce the potential of a different and potentially conflicting interpretation to the terms and provisions of 21-28. Given that the Court has upheld the constitutionality of the specific provisions of 21-28, the Ordinance has been carefully prepared so as to eliminate any conflicting language in the City's existing Chapter 46 Noise Ordinance or language which provides for alternate enforcement or interpretation of the terms of 21-28. The goal of the draft Ordinance is to create one comprehensive Noise Ordinance document that encompasses all of the regulations to be followed by the City of Miami Beach and which do not conflict with each other and therefore be subject to challenge as enforcement efforts proceed in the future.

A number of the existing provisions of Chapter 46 remain intact and are represented in the draft Ordinance for continued use by the City of Miami Beach. Good examples of language continuations that carry on largely intact are found in Section 156 and 157 of the Ordinance dealing respectively with temporary permits and exemptions.

Significant features of the draft Ordinance as presented are as follows:

- The attached Ordinance repeals the conflicting or unenforceable portions of the existing Chapter 46 Noise Ordinance of the City of Miami Beach and adopts by reference Miami-Dade County Code Section 21-28 as the City's official Noise Ordinance. For ease of citizen, business and Code Compliance use, the specific provisions of 21-28 while adopted by reference are included within the codified Noise Ordinance so that it is easily found and referenced by interested parties.
- The draft Ordinance as presented, substantially changes the current adjudication process for Noise violations within the City's Special Master system to the following practice:
 - a) Upon the issuance of a violation, the violator must choose to pay the proscribed fine or penalty established in the Noise Ordinance or appeal the violation for a hearing by the Special Master.
 - b) The violator's appeal must be made within a ten day period from the time of issuance of the violation. The violator who chooses not to

appeal the violation pays the proscribed penalty and the matter/violation is concluded at that point in time.

- c) Procedurally, the Special Master will hear the merits of the appeal and rule affirmatively that either a violation has or has not occurred and, if the violation has occurred, the proscribed penalty as stipulated in the Ordinance shall be paid. The Special Master will not have the ability to provide alternate penalties.

The current adjudication process requires that upon issuance of a first violation, the matter is held in abeyance by the Code Compliance Division until such time as a second violation has occurred and been issued to the same property. Upon issuance of the second violation, the matter is referred for hearing and adjudication on its merits to the Special Master. The timing of the hearing or the penalties are not defined. Upon a finding of guilt in a second violation, the Master may then establish a penalty in the event of a third violation being issued and adjudicated by the Special Master.

The City's experience with this current process is that it typically is elongated, difficult for residents and businesses to track and does not provide for a clearly proscribed or escalating penalty system that is understood in advance by all affected parties.

- The draft Noise Ordinance provides for a clearly established escalating penalty system with each of the fines and penalties detailed in the Ordinance. As the Special Master does not have latitude to alter the penalties, any interested party knows in advance the amount of fine that is associated with the violation that is under consideration at that point in time.
- The draft Noise Ordinance provides for the provision of warnings to violators of the Ordinance as a first effort to achieve compliance as the goal of the Ordinance is compliance.
- There is a provision incorporated into the Noise Ordinance that allows properties who have been issued a Noise violation to select a qualified noise engineer from a list that would be established on an annual basis by the City in a RFP process to perform an assessment of the property. Upon completion of the assessment, a list of items would be submitted to the property owner which, if implemented, would enhance the property's ability to comply with the terms of the City's Noise Ordinance. If the property owner implements the engineer's recommended measures, the property owner is allowed to revert to the first level of violation and penalty within the Noise Ordinance for any future violations that may be cited at the property within that specific year. This provision specifically allows affected properties to proactively manage or engineer their individual premise such that sound is either eliminated or becomes significantly less problematic going forward. This provision is consistent with the two principles previously identified that sound can be managed and that each individual premise needs to accept responsibility for the management of any sound production from the premise.

- The Noise Ordinance as presented provides for a specific recognition and coordination with established Special Event and Film and Print Permits. The respective permits will allow for defined exemptions from the provisions of the Noise Ordinance; however, the permits require a specific community involved process to be followed so that appropriate mitigation and or limitation on any exceptions are both understood and accepted as part of that process.
- The draft Ordinance as presented contains a definition for what constitutes a habitual offender of the Noise Ordinance. As presented, a person becomes a habitual offender after having received and been found guilty of more than five violations of the Noise Ordinance. Persons who are found to be habitual offenders are then specifically subjected to both the due process and hearing provisions associated with suspensions and or revocations of Occupational Licenses and Certificates of Use currently defined in City Code Section 102-383 (Occupational Licenses). The significance of this feature is that in the City's current Ordinance construction there is no specific definition for what constitutes habitual offender and when such person should be referred into the more severe enforcement protocol associated with the suspension and or revocation of an Occupational License. In present Code construction, that definition and burden of proof is left to the City and it is addressed on a case by case basis. The current Code is not transparent or clear to all parties in advance.
- One of the very significant features that are embraced in the proposed Noise Ordinance is found within the provisions of the fine and penalty section and specifically associated with fourth or fifth offenses of the Noise Ordinance. The Noise Ordinance as presented, while always seeking to achieve compliance as its goal, specifically targets the source of noise at given premise for which a violation has occurred. The reference in the proposed Ordinance is to the production of any live or amplified sound at that portion of the premise which has caused the violation. The significance of this provision is that it clearly targets compliance by limiting the specific offending source of noise as opposed to the entire business that may be impacted. In application this would impact a business guilty of a noise violation on a very targeted and limited basis. In the event a business had a restaurant or other operations that were being conducted on a premise that received a violation, but was not the source of the noise producing violation only the sound producing element of the business would be targeted or limited for compliance. Other aspects of the business, such as a restaurant or any other such uses not responsible for the noise production, could continue unimpeded. The entire premise or business operation would not be restricted going forward. Targeting the source of noise and not necessarily the entire business activity also clearly has significance for hotels. In hotels the principle property uses are related to the provision of rooms to visitors, while noise producing activities are typically pool deck, restaurant or lounge oriented accessory uses of the main hotel use. This provision is unique to the ongoing noise enforcement and is equally enforced and enforceable on all business entities in the community, and appropriately and very fairly

targets only those activities which are producing noise that violates the Noise Ordinance.

As a general rule, these features either in concept or specific construction in the body of the Ordinance are not in dispute among the different participants in the discussion on the Noise Ordinance. The outstanding issues, while substantial and important to the parties, are limited in scope and number and are presented in the following section.

Outstanding Issues

The principle outstanding issues in the attached draft Ordinance are found in Sections 158, relative to warnings, and Section 159, relative to fines and penalties. While progress has been made in identifying and understanding the different stakeholder concerns and interests in these two areas, the Ordinance as presented does not have the full support of any of the stakeholder interests in these two sections of the draft Ordinance. As presented, these sections of the Ordinance (Section 158 Warnings and Section 159 Fines and Penalties) concern each of the stakeholder groups to some degree and as such may represent an appropriate middle ground for the Commission to address and more fully explore.

In very broad terms the last positions of the key stakeholder representatives on the questions of warnings and fines and penalties is as follows:

- Residents – Residents in general would prefer to see either fewer warnings and/or more significant monetary penalties associated with violations of the Ordinance.
- Nightlife Businesses – While the draft proposes more regulation than desired, the provisions are potentially tolerable. The industry preference would still be to have more warnings and fewer fines and penalties.
- Hotels - The last expressed position of the hotel industry has been primarily concerned with the warning section, and to a lesser degree, the fine and penalty section. The last established position of the hotel industry is that they would prefer to have two warnings each week of the year before 11:00 p.m., in addition to four warnings during a year at any time of day, in addition to the designated major event period warnings provided (which number approximately four). The cumulative impact of the number of warnings preferred by the hotel industry is 112 per year.

Achieving a consensus position on these two key areas of the Noise Ordinance has not been possible for a variety of reasons. Some of the stakeholders have assumed in the enforcement of the Ordinance that there will be an abuse of power by the City and/or enforcement by incompetent Code Compliance Officers. Attempting to develop the noise ordinance on the basis of such an underlying assumption clearly makes the accomplishment of a consensus extraordinarily difficult, if at all possible. The assumption of an abuse of power or incompetent enforcement can be made virtually with any Ordinance which is enacted by the City of Miami Beach and on its face fails to recognize that there is a responsible and responsive body of elected officials and a professional City management structure

in place to assure that such eventuality does not occur in this instance or any other instance in the City of Miami Beach where enforcement is undertaken. The assumption of an abuse of power also clearly fails to recognize that in the approximately five years that 21-28 has been utilized by the City of Miami Beach there has been no abuse of power in achieving compliance with Noise provisions in the different segments of the City of Miami Beach. Further, the enhanced Code tracking system that is currently being procured, also ensures another process and opportunity to regularly monitor enforcement activity.

Some of the stakeholder participants have also assumed a dire economic scenario upon enforcement of the Noise Ordinance as presented. Not only does the City Administration believe these dire projections to be unfounded, but these positions clearly have made achieving consensus in the warnings and fines and penalties area next to impossible among the stakeholder groups. The assumption of a worst economic case, similar to that of the abuse of power fails to recognize that concerned elected and appointed officials are in place with sufficient powers and oversight ability to ensure that such worst case does not occur. In the event problems do develop and an intercession is necessary to alter the terms of an effective or unintended consequence, such change can be readily made and imposed by those same officials. The worst case scenario also clearly does not anticipate that in the time that 21-28 has been actively used by the City of Miami Beach, business has flourished within the community.

One other obstacle to achieving consensus has been either the failure to understand or reluctance to accept the real world use and application of 21-28 within our community. County Code section 21-28, while representing a constitutionally valid enforcement tool that in and of itself is extremely valuable, represents an enforcement tool that is by design, flexible in recognition of the time, place and manner in which sound or noise is produced and regulated within the community. This flexibility was highlighted as one of the basis for the Court opinion upholding the constitutionality of 21-28.

In use, 21-28 not only allows Code Compliance Officers, but requires the Officers to take note that all sound at all times in all places is not necessarily the same. Given that ambient sound and traditional daytime activity within the community exists at higher levels than in the nighttime hours as a general rule, more noise or noise producing activities are tolerated as acceptable and within the boundaries of not unnecessarily loud. Clearly the sound that is tolerated both by the community and Code Compliance officials at 4:00 p.m. is very different and appropriately so, than sound which is generated at 4:00 a.m. in the community. Noise that is projected solely to otherwise uninhabited areas, such as the ocean, is tolerated at a higher level because there is less adverse impact than noise which is projected to or toward residential dwellings. While it is not the only test of a violation of the Noise Ordinance, it is clearly one of the tests that some inhabitant has been disturbed by unnecessary or an excessive amount of noise. As Code Compliance Officers enforce the provisions of 21-28 going forward, there is clearly an expectation that they establish that the threshold conditions of unnecessarily loud or excessive amounts of noise are reached. Simply hearing a sound without a finding by the Code Compliance Officer that excessive sound is produced, will not be sufficient to

sustain or support a violation in the proposed due process consideration which is available and afforded to properties that might receive a citation.

The operational realities and practices of 21-28 are extremely significant in addressing assumptions established by some of the stakeholder groups of an abuse of power and or the eminent economic implosion of the City of Miami Beach in the enforcement of 21-28.

As presented, the principle components and use of the warning and fine systems, is as follows:

- Warnings – A system of warnings is provided within the Ordinance that is much more formalized than the current practice utilized by Code Compliance officials. In the draft Ordinance, warnings are in written form and are officially tracked and limited for any individual property. As presented, warnings are available in three categories for properties within the community.
 - a) On six different days in one year before 11:00 p.m.
 - b) On six days in one year.
 - c) One warning for certain major event periods. A major event period would be defined as the total number of days encompassed in a Major Event Plan developed for the major event. The category of warning for major event periods is intended to be a conscious recognition by the City that certain events which are supported by the City have an association with music and other production of sound that is appropriate for added attention or recognition. As presented, a designation of major event periods with anticipated music/sound production as a feature would be made at least on an annual basis and/or as frequently as needed. This designation would allow for a warning under the Noise Ordinance to be available for affected properties during this period. The City Commission, Planning Board, City Manager or others could be assigned the designation responsibility. For discussion purposes, the conversation in this area has been that major event periods, such as the Winter Music Conference, Memorial Day, MTV Awards and New Year's Eve, would be events for which a designation would be solicited from the City Commission. The number of warnings may vary slightly from year to year depending upon the number of major event periods designated for the City.

The second remaining categories of warnings before 11:00 p.m. and after 11:00 p.m. are intended to reflect and differentiate that Noise before 11:00 p.m. has a higher burden of proof for being unnecessarily loud than after 11:00 p.m. Typically, clubs and night time businesses would likely only use warnings after 11:00 p.m. and for major event periods, while the hotel industry would be more likely to use all three categories of warnings.

In utilizing a warning it is anticipated that upon arrival at a premise, the Code Compliance Officer who witnesses a Noise violation will request and require immediate compliance of the Noise Ordinance. The written warning would be issued and no other action would be appropriate unless compliance was not achieved. Once a premise has exceeded either the number of warnings available within a day (one) or in any period (for example: six before 11:00 p.m. within a year) and a violation is observed a citation would be issued by the Code Compliance Officer.

Generally, the warning provision as presented in the draft Ordinance is close to an acceptable number for most of the different stakeholder groups that have been involved and expressed an opinion; the hotel industry is notably requesting significantly more, while residents and nightlife businesses seem to be comfortable with this range of warnings.

It is also important for the City Commission to note that the Noise Ordinance as presented is not only applicable to businesses within the community, but is applicable to any and all land uses within the community on an equal basis. As such, the enforcement of the Noise Ordinance, and particularly this warning section, would be equally applicable to a single family residence who might be the recipient of a complaint for an overly loud party. In this construction that individual residents would be afforded a warning on a first visit by a Code Compliance Officer and asked to turn the music down. Compliance would be expected or a citation would be issued.

- Fines and Penalties – The Fines and Penalties Section which is presented in the draft Ordinance incorporates a new and significant feature for Noise Enforcement within the community. While there seems to be a general agreement that the number of violations necessary to achieve habitual offender status of five is appropriate, there is clearly not a consensus of opinion on the monetary value associated with each of the individual offenses. As presented, the fine schedule appropriately anticipates the most significant penalties with the fourth and fifth violations of the Noise Ordinance, which also are the final two violations before a property will be determined to be habitual and subjected to significantly more severe penalties in a separate Occupational License process. In the fourth violation, a property guilty of a Noise violation would have to suspend the noise producing activity that generated the violation for a weekend period in addition to payment of a fine of \$3,000.00. On a fifth violation, it is a two weekend suspension in addition to a monetary fine of \$5,000.00. Taken together the suspension and the monetary fine represent a significant impact for an affected business and provide a clear deterrent not to violate to this level of the Noise Ordinance. The combination of the suspension of noise producing activities, as well as a monetary fine has the effect of proportionately affecting any business on an equal basis within the community. Businesses with larger, more expansive operations, infrastructure and revenue streams will be impacted more significantly than will smaller venues with less revenue, less patrons or infrastructure associated with their venue.

Conclusion

The draft Noise Ordinance as presented represents a substantial effort to provide a fair and effective mechanism to regulate noise within the City of Miami Beach. The core of the Ordinance, Miami-Dade County Code Section 21-28, is a constitutionally valid basis for noise enforcement that is both flexible and tested, in that it has been used in the City of Miami Beach with good affect for approximately the last five year period of time. While much of the attached Ordinance is generally acceptable to all of the stakeholders that have participated to a significant degree in the preparation and development of the Ordinance, the different stakeholder groups would prefer to have increases or decreases in the warnings and fines and penalties as presented, depending upon their group interests. That the opposing parties would seek increases or decreases to the same provisions is an indication that the version presented to the City Commission for consideration is appropriately near the middle of those opposing interests. While the City Administration has not taken a policy position on the appropriate number of warnings or number of violations and penalties associated with those violations, the document as represented does constitute an Ordinance which is believed to be an effective deterrent for violations and within the capability of the City Administration to implement and enforce. It is suggested and a part of the recommended motion that upon approval of a version of the Noise Ordinance by the City Commission, that the City Administration monitor and report back to both the City Commission and key stakeholders on the effectiveness of enforcement and the true deterrence that the Noise Ordinance has been able to accomplish for noise generation within our community. While a one year report is the maximum time that would be suggested, the City Commission may wish to specify a shorter period of time in which to report back on results or impacts associated with use of the Noise Ordinance. Members of the City Commission may also find it helpful to refer to one of the City Commission committees a more detailed discussion of the Noise Ordinance between a First and Second Reading, in order to better familiarize the Commission members with a more detailed background and understanding of specific provisions or how they might be used and enforced within the community. The referral by members of the City Commission is strictly optional and is suggested only if it would be helpful in the more complete understanding of the Ordinance as this moves through the legislative process.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-151, ENTITLED "DEFINITIONS," TO PROVIDE NEW TERMS AND DEFINITIONS AND DELETING CERTAIN TERMS AND DEFINITIONS; AMENDING SECTION 46-152, ENTITLED "UNREASONABLY LOUD NOISE PROHIBITED," BY AMENDING THE TITLE AND ADOPTING SECTION 21 - 28 OF THE CODE OF MIAMI-DADE COUNTY BY REFERENCE; AMENDING SECTION 46-153, ENTITLED "RESPONSIBILITY FOR COMPLIANCE," BY AMENDING THE PROVISIONS THEREOF; REPEALING SECTION 46-154, ENTITLED "NOISE LEVEL IN SPECIFIC AREA"; REPEALING SECTION 46-155, ENTITLED "ADDITIONAL SOUND LIMITATIONS FOR PUBLIC PROPERTY"; AMENDING SECTION 46-156, ENTITLED "TEMPORARY PERMITS," BY EXPANDING THE PROHIBITED AREAS FOR CONSTRUCTION NOISE TO WITHIN 300 FEET OF CERTAIN DISTRICTS AND AMENDING THE EXEMPTIONS FOR SPECIAL EVENTS AND FILM PERMITS; AMENDING SECTION 46-157, ENTITLED "EXEMPTIONS," AND BY DELETING SUBSECTION (11) AND AMENDING THE PROVISIONS THEREOF; AMENDING SECTION 46-158, ENTITLED "ENFORCEMENT BY CODE INSPECTORS; NOTICE OF VIOLATION," BY AMENDING THE PROCEDURES FOR ENFORCEMENT AND WARNINGS; AMENDING SECTION 46-159, ENTITLED "CIVIL FINES FOR VIOLATION; APPEALS," BY AMENDING THE FINES AND PENALTIES FOR VIOLATIONS, THE APPEAL PROCEDURES, AND THE ALTERNATE MEANS OF ENFORCEMENT; AMENDING AND RENUMBERING SECTION 46-160, ENTITLED "NUISANCE," AS SECTION 46-161, AND RENAMING SECTION 46-160 AS "RELIEF FROM VIOLATIONS FOR SOUND SYSTEMS AND COMPLIANCE" AND CREATING PROVISIONS THEREFOR; AMENDING AND RENUMBERING SECTION 46-161, ENTITLED "MOTOR VEHICLE ALARMS" AS SECTION 46-162 WHICH IS HEREBY CREATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, noise has been a topic of concern within the City of Miami Beach for many years and has recently been the subject of Commission discussion and community meetings to address modified enforcement and legislative solutions; and

WHEREAS, the provisions in this Ordinance will serve to further address the noise concerns of the City and its residents.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

SECTION 1. That Section 46-151 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Chapter 46

ENVIRONMENT

* * *

ARTICLE IV. NOISE

Sec. 46-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means those uses deemed accessory uses under the Land Development Regulations of this Code.

Amplification device means any instrument, machine, or system, which by electronic means augments sound by increasing the sound level or volume.

Amplified sound means sound augmented by any electronic means that increases the sound level or volume.

City manager means the city manager or the city manager's designee which may be one of his assistants or a department or division head of the city designated by the city manager, or the Special Master.

Code inspector means an authorized employee or agent of the city whose duty it is to ensure code compliance, including but not limited to inspectors of the city's code compliance department, and police officers, or any authorized agent or employee of the city whose duty it is to assure code compliance.

Complainant means ~~any owner, lessee, manager or person with a legal interest in a receiving property who reports being disturbed by sound heard inside of a residence or place of business upon the receiving property and not originating therefrom.~~

Conditional use means those uses deemed conditional uses under the Land Development Regulations of this Code.

Emergency work means any work performed for the purpose of remedying conditions that create an imminent peril to life, health or property.

Habitual means when a person or entity has more than five offenses within one year of the first offense.

Offense means a notice of violation that has not been contested timely or a finding of violation by a special master following the appeal of a violation.

One year means a continuous period of time from the date of a first written warning.

~~Plainly audible~~ means the sound can be clearly heard by a person of normal sensibilities using only unaided auditory senses. Plainly audible shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music the detection of a rhythmic base reverberating type sound, beat or cadence shall be deemed plainly audible.

Premises means any real property or parcel of land, including the buildings, structures or other improvements thereon.

~~Property line~~ means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by a person from that owned by another person, but not including intrabuilding real property divisions.

Qualified Noise Engineer means any person from a list of engineers maintained by the City selected pursuant to the City's competitive bidding procedures.

~~Receiving property~~ means any residence or place of business into which sound, not originating therefrom, is traveling.

~~Residence~~ means any occupied room or rooms connected together containing sleeping facilities, including single and multiple family homes, town homes, apartments, condominium units, and hotel and motel rooms.

~~Sound source~~ means the place from which sound emanates, including without limitation a speaker, loudspeaker, or other sound producing instrument or person.

Special master means a hearing officer appointed pursuant to chapter 30 of this Code.

~~Uninvited noise~~ means noise not originating on the receiving property.

~~Unreasonably loud means noise that is plainly audible inside of a receiving property across a property line.~~

Violator means a person or entity determined or cited by a code inspector as being in violation of the provisions of this Article.

SECTION 2. That Section 46-152 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-152. ~~Unreasonably loud noise prohibited.~~ Adoption by reference. Noises; unnecessary and excessive prohibited.

~~At all times, it shall be unlawful for any person to cause or permit to originate from the real property he controls any sound that crosses a real property line at a volume that is unreasonably loud.~~

Section 21-28 of the Code of Miami-Dade County, entitled "Noises; unnecessary and excessive prohibited,"¹ is recognized as being in force in the City and is hereby adopted by

¹ Section 21 – 28 of the Code of Miami-Dade County provides as follows:

Sec. 21-28. Noises; unnecessary and excessive prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

(b) *Radios, televisions, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of one hundred (100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

reference as if fully set forth herein, as that code may be amended from time to time. All code inspectors, as defined in this Article, are authorized and directed to enforce the provisions of said Section 21-28 and the provisions of this Article.

- (c) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building, structure or yard in which the dog, animal or bird is located.
 - (d) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper municipal or County authorities.
 - (e) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom.
 - (f) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.
 - (g) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.
 - (h) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
 - (i) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.
 - (j) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this County for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.
 - (k) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain or at a residence out-of-doors between 8:00 p.m. and 7:00 a.m.
 - (l) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.
- (Ord. No. 58-5, § 21.07, 2-18-58; Ord. No. 96-130, § 1, 9-10-96)

SECTION 3. That Section 46-153 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-153. Responsibility for compliance.

For purposes of ~~sections 46-152 through 46-155~~ this Article, any person owning or having responsibility for management of a ~~business premises~~, however temporarily, any performer or disc jockey producing sound upon any ~~business premises~~, any person playing music, any person having control of volume knobs or levels or amplification devices, and the business as named on the occupational license, if applicable, shall be jointly and severally liable for compliance with this article and shall be responsible for any violations of this article.

SECTION 4. That Section 46-154 of Article IV of Chapter 46 of the Miami Beach City Code is hereby repealed.

Sec. 46-154. Noise level in specific area. Repealed.

- (a) ~~Purpose.~~ The purpose of these regulations is to allow for an area of the city where the ambience contributes to the enjoyment by residents and visitors of uses that feature the serving of food and beverages accompanied by outdoor live and pre-recorded musical entertainment.
- (b) ~~Boundaries.~~ The area for which these regulations apply shall be located between 900 and 1090 Ocean Drive on Miami Beach. The legal description for this area is as follows:
Lots 1 through 8, inclusive, block 14; and lots 1 through 8, inclusive, block 15, Ocean Beach Addition No. 2, as recorded in plat book 2, page 56, public records of the county.
- (c) ~~Limitation on noise volume.~~
- (1) ~~For purposes of enforcement of this article, the following definition of "unreasonably loud" shall apply for all noises originating within the area as described in subsection (b) of this section:~~

~~Uninvited noise shall be deemed unreasonably loud if it is plainly audible inside a residential receiving property or part thereof at a distance greater than 50 feet away from the property line of the sound source or is plainly audible inside a place of business or part thereof at a distance greater than 100 feet away from the property line of the sound source. For purposes of enforcement of this section, measurements of distance from a sound source to a receiving property shall be measured in a straight line from the property line of the sound source to the residence or place of business which is the~~

~~receiving property. The measurement will begin at that point on the property line of the sound source nearest to the receiving property.~~

~~(2) All procedures for enforcement of violations of the noise limitations in subsection (c)(1) of this section and for appeals of notices of violations issued by code inspectors shall be as set forth in this article.~~

~~(d) No variances granted. No variances shall be granted from the permissible volume limitations set forth in subsection (c) of this section.~~

~~(e) Applicability of zoning provisions. The regulations set forth in this section shall be supplementary to all other provisions, and zoning regulations shall continue to apply within the area.~~

SECTION 5. That Section 46-155 of Article IV of Chapter 46 of the Miami Beach City Code is hereby repealed.

Sec. 46-155. Additional sound limitations for public property. Repealed.

~~No person shall, on any public street or sidewalk, beach or park use, operate or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio device that produces or reproduces amplified sound, at a level that is plainly audible at a distance of more than ten feet from the sound source.~~

SECTION 6. That Section 46-156 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-156. Temporary permits.

(a) The city manager or his designee is authorized to issue a temporary permit to allow noise prohibited by sections 46-152 and 46-155 when produced by a temporary use or activity that does not significantly endanger the health, safety or welfare of the neighborhood. The city manager or his designee may prescribe any reasonable conditions necessary to minimize any adverse effect upon the community. A permit granted under this article shall contain all conditions upon which the permit has been granted, including the period of time for which the permit has been granted. Such relief may be granted in the following situations:

(1) *Code compliance in progress.* When an applicant is utilizing best efforts to comply with the noise restrictions in this article, but additional time is required for the applicant to modify his activity to comply and no reasonable alternative is available to the applicant, such permits may be granted for a period of time not to exceed ten days.

- (2) *Construction.* When construction activities pursuant to a valid building permit cannot be carried out in a manner which would comply with sections 46-152 and 46-155; provided that all equipment shall be operated in accordance with manufacturer's specifications, shall be in good repair and shall utilize all noise baffling methods as specified by the manufacturer, and further provided that such activities shall occur only as follows:
- a. Between the hours of 7:30 a.m. and 6:30 p.m. and between the hours of 7:30 a.m. and 7:30 p.m. during daylight savings time, on any day in areas zoned as CCC, GU, I-1, MR, CPS-1, CPS-2, CPS-3, CPS-4, RO, WD-1, WD-2, GC, HD, MXE, CD-1, CD-2 and CD-3.
 - b. Between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on Saturdays in areas zoned as RM-1, RM-2, RM-3, RM-PRD, RPS-1, RPS-2, RPS-3, RPS-4, RMPS-1, RS-1, RS-2, RS-3, RS-4, TH and in any exclusively residential zoning district not otherwise specified in this subsection, or within three hundred feet of any of these zoning districts. No construction shall be permitted on Sundays or on national holidays.

Notwithstanding the provisions set forth in subsections (a)(2)a and b of this section, the ~~building official~~ City Manager or his designee may authorize any construction activity at a particular site within a zoning district set forth in subsection (a)(2)a of this section earlier than 7:30 a.m. Under emergency circumstances only, the building official may authorize any necessary construction activities earlier than 8:00 a.m. and/or later than 4:00 p.m. on any day within a zoning district set forth in subsection (a)(2)b of this section. The work authorized by the building official pursuant to this subsection may be conditioned upon notice to surrounding property owners and tenants. Such permits may be granted for a period of time not to exceed three consecutive days.

- (3) *Special events and film and print permits.* A film permit issued pursuant to section 12-1, or a special event permit issued pursuant to section 12-5 may be exempted from the requirements of section 46-152 upon specific compliance with sections 12-1(9) or 12-5(8), as applicable. ~~When the applicant seeks to hold a special event or film and print production, or other activity, and has met all of the city's requirements for obtaining such permit as set forth in applicable regulations, resolutions or ordinances and the activity or special event cannot be performed or held in a manner that would comply with sections 46-152 and 46-155. Except for special events and film and print productions, such permits may be issued for a period of time not to exceed three days. In lieu of a separate permit issued hereunder, the special event or film and print permit may include the authorization and conditions contemplated hereunder. See section 12-1, for film and print production permits, or section 12-5, for special events.~~

- (b) Failure to comply with any condition of a temporary permit issued pursuant to this section shall constitute a violation and shall result in enforcement procedures and penalties as set forth in sections 46-158, 46-159 and 46-160.

SECTION 7. That Section 46-157 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-157. Exemptions.

The following uses and activities shall be exempt from the requirements of sections 46-152 and ~~46-155~~ and from the enforcement procedures in this article:

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells and other sounds created by police, fire and other emergency response vehicles.
- (3) Parades, fireworks displays, ~~special events~~ and other activities for which a permit has been obtained from the city, pursuant to section 46-156, within such hours and in accordance with such restrictions as may be imposed as conditions for the issuance of the permit.
- (4) Activities on or in municipal ~~and school athletic~~ facilities and on or in publicly owned property and facilities, when such activities have been authorized by the public authority owning the properties or facilities or their agents; except where such publicly owned properties are under private operation or use. ~~pursuant to a lease or concession agreement.~~
- (5) Fire alarms and burglar alarms, bells and chimes of churches or other religious institutions; however, false burglary alarms shall be subject to enforcement procedures and penalties as set forth in article II of chapter 42.
- (6) Locomotives and other railroad equipment and aircraft, to the extent that city regulation is preempted by federal law.
- (7) Noises resulting from emergency work.
- (8) Any noise resulting from activities of a temporary duration permitted pursuant to section 46-156.

- (9) Noise generated by motor vehicles as defined in F.S. § 320.01 when operated and equipped in accordance with requirements set forth in the Florida Statutes.
- (10) Noise resulting from the operation of vessels when operated in compliance with the decibel limitations in F.S. § 327.65. However, noise exceeding the limitations set forth in F.S. § 327.65 shall be subject to enforcement and penalties as set forth in F.S. ch. 327.
- (11) ~~Noises emanating from the unamplified conversations of persons on the public streets and sidewalks.~~

SECTION 8. That Section 46-158 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-158. Enforcement by code inspectors; notice of violation; warnings.

- (a) Notice of Violation. ~~If a code inspector receives a complaint from a complainant regarding a violation of this article, he shall investigate the complaint and determine whether the violation exists. If the a code inspector then observes a violation of this article, either on his/her own or in response to a complaint, the inspector shall issue a notice of violation to the violator, except as otherwise provided in subsection (b), and inform the violator that he must immediately cease the violation and that the violator will be subject to additional penalties if the violation continues, and issue a notice of violation to the violator as provided in chapter 30 of this Code. The notice shall inform the violator of the:~~

- (1) Name of the violator.
- (2) Date and time of violation.
- (3) Nature of the violation.
- (4) Amount of fine or other penalty for which the violator may be liable pursuant to section 46-159 of this Code or as otherwise provided by law.
- (5) Instructions and due date for paying the fine.
- (6) Notice that the violation may be appealed by filing a written request for an administrative hearing with the clerk of the special master within ten days after service of the notice of violation, for requesting an administrative hearing, that failure to do so shall constitute an admission of the violation and waiver of the right to a hearing, and that unpaid fines will result in the imposition of liens which may be foreclosed by the city.

The notice shall also inform the violator that repeat violations of this article will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license, and/or certificate of use, or accessory use, and/or injunctive proceedings as provided by law. The notice shall be signed by the code inspector who witnessed the violation.

- (b) Warnings. In the following circumstances, a code inspector shall first issue one written warning to immediately cease the violation prior to issuing a notice of violation: six different days in one year before 11:00 p.m.; and
2. On six different days in one year; and
 3. On one day during certain Major Event Periods as designated annually, irrespective of whether a warning or notice of violation was issued prior to that Major Event time period.

The written warning shall be substantially in the same form as the notice of violation as stated in sub-section (a) above. Failure to correct the violation within fifteen minutes following the issuance of a warning, shall result in the issuance of a notice of violation pursuant to this Article. The holder of the occupational license for the premises where a violation or warning is issued shall have the responsibility to keep the City advised of the current address of the owner of the premises.

A Code Inspector shall not issue a warning, and instead shall issue a notice of violation, to any person, entity or establishment who: 1) in any one day has already been issued a written warning as specified in 46-158 or 2) in any one year period has exceeded any of the warning limits specified in 46-158 (b) or 3) at any time during one year is guilty of a violation, except as otherwise provided in 46-158(b) 3.

SECTION 9. That Section 46-159 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-159. Civil fFines and penalties for violation; appeals; alternate means of enforcement.

(a) Civil fFines and penalties. The following civil fines and penalties shall be imposed for violations of this chapter:

- (1) First offense, \$250.00 fine.
- (2) Second offense within one year, \$1,000.00 fine.
- (3) Third offense within one year, \$2,000.00 fine.

- (4) Fourth offense within one year, one weekend (Noon Friday through noon Monday) occupational license conditions and/or accessory use restrictions shall be imposed limiting the ability to produce any live or amplified sound at that portion of the premise that caused the violation, in addition to a \$1,000.00 fine.
- (5) Fifth offense within one year, two weekend (noon Friday through noon Monday) occupational license conditions and/or accessory use restrictions shall be imposed limiting the ability to produce any live or amplified sound at that portion of the premise that caused the violation, in addition to a \$1,000.00 fine.

~~For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special master following the appeal of a violation.~~ A person may receive a separate notice of violation once every hour if a violation has occurred at any time within that period. Each notice of violation shall constitute a separate offense for which a separate fine may be imposed. An offense shall be deemed to have occurred on the date the violation occurred. License suspensions or accessory use restrictions pursuant to this section shall be imposed by order of the Special Master after finding an offense warranting suspension or restriction has occurred.

- (b) A violator who has been served with a notice of violation shall elect either to:
 - (1) Pay the civil fine in the manner indicated on the notice; or
 - (2) File a written request Request for an administrative hearing before a special master to appeal the decision of the code inspector that resulted in the issuance of the notice of violation. The written request shall be submitted to the clerical staff of the special master no later than ten (10) days of service of the notice of violation, and shall be accompanied by a \$75 appeal fee. The fee may be returned to the violator if the special master rules in favor of the violator. All disputes regarding proper notice of the violation and timeliness of the appeal shall be heard by the special master prior to any hearing on the merits of the violation itself.
- (c) The procedures for appeal of the notice of violation shall be as set forth in sections 102-384 and 102-385. A courtesy mail notice shall may be provided to the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings. Failure to give such notice shall not be a cause for continuance or cancellation of any scheduled hearing of the matter. Only two continuances, for no longer than 20 days each, shall be granted by the Special Master for an appeal hearing unless the alleged offender, at a hearing on a motion for continuance, establishes by testimony, an/or other evidence, that good cause exists for a further continuance.
- (d) ~~If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code inspector.~~ Failure of the named violator to appeal the decision of the code inspector within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing

before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties ~~may~~ shall be assessed accordingly. In the event of a fourth or fifth offense, and following notification by the code inspector of the violator's failure to timely request an administrative hearing, the special master shall enter an order setting the time during which conditions shall be imposed on the violator's occupational license or, as applicable, the accessory uses shall be restricted. Such conditions or restrictions shall begin no later than 30 days after entry of the order by the special master.

- (e) Any party aggrieved by the decision of a Special Master may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11 and section 30-77 of this Code.
- (f) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine or city bill for penalties due under this section may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. All costs and attorneys fees incurred by the City for collecting any fine shall be paid by the violator.
- (g) As an alternative or additional means of enforcement, the city may institute proceedings to revoke or suspend an occupational license and/or certificate of use or seek injunctive relief ~~as set forth in section 46-158.~~
- (h) ~~Furthermore, i~~ In cases of recurring habitual violations or offenses, the code inspector City Manager may issue a citation an administrative complaint for prosecution before the special master suspension or revocation of an occupational license and certificate of use as provided in this chapter wherein Section 102-383. ~~Upon a finding of habitual violations or offenses by the special master City Manager, an per diem fine occupational license suspension, revocation and/or fine shall may be imposed. Suspensions shall be imposed with restrictions limiting the ability to provide any live or amplified sound as either a condition of the occupational license or as an accessory use restriction. In the event the violator is a hotel, motel, condominium, apartment or other residential property, accessory use restrictions shall be imposed in lieu of an occupational license revocation which results in the eviction of residents. Additionally, in the event of a revocation, as a condition of being permitted to resume operation under the occupational license, the City Manager shall utilize the criteria set forth in Section142-1362 of this Code to impose such conditions or restrictions as deemed appropriate to assure the licensed property compliance with all City Codes. A violation shall be considered recurring when a person or entity has received three notices of violation within a period of one month.~~ terminating the length of the suspension or accessory use restriction to be imposed under this subsection, the City Manager shall consider the following

factors: the gravity of the violations or offenses; any actions taken by the violator to correct the violations or offenses; and, any previous violations or offenses committed by the violator. No suspension or accessory use restriction imposed under this subsection shall be for a period of time of less than 30 consecutive days.

In the event a habitual violator does not hold an occupational license or certificate of use, the Special Master shall impose a fine up to \$5,000.00 per violation.

- (h) Any fine imposed under this Article shall become a lien pursuant to the procedures of sections 30-74 and 30-75 of this code.
- (i) In addition, in the event a violator refuses to comply with a notice of violation issued under section 46-158, a violator may be punished by imprisonment not to exceed 60 days or by imposition of a fine not to exceed \$500.00 per offense or both.
- (j) Nothing herein shall restrict the powers and authority granted to the various boards and committees of the city, including the imposition of conditions and sanctions not specifically enumerated in this article.
- (k) Nothing herein shall be deemed to modify existing applicable State, County or City building and fire codes, ordinances, laws or regulations.
- (l) A nolle prosequi, or any other decision made by the City not to prosecute a notice of violation, must be based upon good cause and issued in writing in a public record.

SECTION 10. That Section 46-160 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-160. Nuisance. Relief from violations for sound system review and compliance.

After receiving at least one violation under this Article, a violator may request relief from the penalty schedule in subsection (a) by filing with the City a report from a Qualified Noise Engineer ("Engineer"), as defined by this Article, under the following procedure.

- (1) The Engineer's report shall be submitted to the City Manager within thirty days of the issuance by the City Manager of written response that the Engineer submitted for verification meets the minimum qualifications established under this Article. The report shall be submitted on a form prepared by the City and shall review the violator's business activities and premises, and recommend measures for the violator to follow to assist the violator in achieving compliance with this Article. Any report submitted under this section shall not excuse the violation, nor shall it be evidence that the violation, or any subsequent violation has not occurred.

- (2) The violator shall implement all measures recommended by the Engineer and all such measures must comply with all applicable federal, state, and local codes, regulations and laws. The violator shall provide the City with proof that such measures were implemented. Upon verification by the City that all measures recommend by the Engineer have been implemented, the violator shall be allowed to restart a fine and penalty history at the level of a first violation for any subsequent noise violation at the subject property for the balance of the year and escalating from that date forward, except that any fines due or paid for those violations before the new start period shall not be waived or returned.
- (3) Following the issuance by the City Manager of a written response of verification that the selected Engineer meets the minimum qualifications provided by the Article, and upon a showing of good cause, an enlargement of time to submit the report may be granted upon submission of a written request to the City Manager.
- (4) The relief from previous violations provided under this Section may only be requested by a violator once during a one year period. Additionally, relief from violations shall not prohibit the city from utilizing evidence of the violations in proceedings to seek compliance with city and Miami-Dade County Codes or Florida and Federal laws by other means not provided in this Article.

SECTION 11. That Section 46-161 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-161. ~~Motor vehicle alarms.~~ Nuisance.

Any violation of this article shall constitute a nuisance. The city attorney may bring suit on behalf of the city, or any affected citizen may bring suit in his name, against the person or persons causing or maintaining the violation, and against the owner/agent of the building or property on which the violation exists. Relief may be granted according to the terms and conditions of F.S. § 60.05, relating to abatement of nuisances, or pursuant to section 46-159. In any such action, the city or affected citizen, if the prevailing party, shall be awarded costs, including reasonable attorney's fees.

SECTION 12. That Section 46-162 of Article IV of Chapter 46 of the Miami Beach City Code is hereby created to set forth the provisions formerly in section 46-161, and as amended, as follows:

Sec. 46-162. Motor vehicle alarms.

- (a) Definition. The following term shall have the following meaning for purposes of this section: "alarm system" shall mean a motor vehicle siren or horn alarm system contained in or appurtenant to a motor vehicle, designed to activate and sound in the event of a break-in or attempted break-in of the vehicle.

- (b) It shall be unlawful for any motor vehicle equipped with an alarm system to activate and emit a siren or horn noise, audible at a distance of 100 feet intermittently or continuously within a period in excess of ~~30~~ 15 minutes ~~between the hours of 11:00 p.m. and 7:00 a.m.~~ Any person who has custody of any such offending motor vehicle shall be deemed in violation of this section.
- (c) A violation of this section on the public streets or areas within the city is hereby declared a public nuisance which may be abated by the removal of such vehicle upon authorization of a law enforcement officer. Prior to removing such vehicle, the law enforcement officer shall afford the owner or custodian of such vehicle the opportunity to disconnect or deactivate the alarm system at the scene. Otherwise, the vehicle shall be removed to an authorized facility. The law enforcement agency shall ascertain the name and address of the registered owner of such vehicle and provide written notice by certified mail, return receipt requested, within 24 hours of such removal, the reason(s) for the removal, and the place where such vehicle has been removed. The fees assessed for the removal of the vehicle may be appealed by filing a complaint in the county court and posting with the court a cash or surety bond or security equal to the amount for the removal and/or storage of the vehicle to ensure the payment of such in the event the owner or custodian of the vehicle does not prevail.
- (d) A violation of this section on private property shall cause the person who owns or has custody of the offending vehicle to be fined \$50.00. Any duly designated law enforcement officer and/or code enforcement officer is authorized and empowered to enter without force upon private property in order to detect and issue a citation or notice of violation to and upon the owner or custodian of the offending motor vehicle. A copy of the citation or notice of violation may also be left on the offending vehicle and shall constitute notice. The citation or notice of violation may be appealed in accordance with the procedures set forth in sections 102-384 and 102-385 and chapter 30 of this Code.
- (e) It shall not be a violation of this section if it is determined by the law enforcement officer and/or code enforcement officer that the siren or horn noise has been triggered by the unauthorized opening of the hood, truck or door(s) of the vehicle, by the breaking or attempted breaking of a window or by lightning, thunderstorms, or severe weather conditions.

SECTION 13. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 14. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 15. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 16. EFFECTIVE DATE

PASSED and ADOPTED this ____ day of _____, 2005.

This Ordinance shall take effect on the ____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

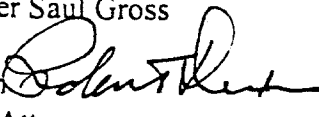
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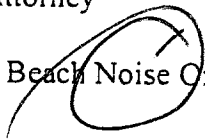
CITY OF MIAMI BEACH
City Attorney's Office
Interoffice Memorandum



To: Commissioner Saul Gross

Date: September 17, 2002

From: Robert Dixon 
Deputy City Attorney

Subject: City of Miami Beach Noise Ordinance 

ISSUE: You have asked, by memo and verbally, why the City chooses the Miami-Dade County Noise Ordinance to enforce instead of City of Miami Beach's Noise Ordinance found in Section 46 of the City Code.

Short Answer: Portions of the City's Noise Ordinance may be subject to challenge and the City's Special Master enforcement tools are not as effective. Also, the City's Code Chapter 30 and Chapter 162, Part I, Florida Statutes impose time limitations both for compliance and for hearing purposes. The County Noise Ordinance carries a more effective means of enforcement because the City has the option of waiving incarceration and bringing the prosecution before the City's Special Master. In unusual and flagrant cases, our Police Department has made arrests by issuing a Promise To Appear (PTA) and the matter was prosecuted in the County Court in Old City Hall; but the last time Code had to resort to a PTA was over two (2) years ago.

Background: Noise pollution in Miami Beach is an ever-growing problem, due to several factors: the increase in demographic density, the increase in the number of per capita devices, appliances, and vehicles capable of generating loud noise; our sidewalk café, discotheques, and night club atmosphere; plus, the fact that people are getting used to higher noise levels.

Prior to 1994, Miami Beach as well as Dade County had noise regulations based upon noise descriptor or decibel levels which were quite ineffective since they had non-realistic goals for desired maximum noise levels; no evaluation was made of the existing layers of ambient noise, nor the social, economic, and technological causes of noise in Miami Beach. Ambient noise was often at a higher noise descriptor or decibel levels than the prohibited noise. The so-called noise meters issued to our Code Inspectors could not distinguish between the two. That led to the present City of Miami Beach Noise Ordinance (Sections 46-151 thru 161 attached hereto as Exhibit 1).

The present City of Miami Beach Noise Ordinance uses certain terms, for example: "Plainly audible," "Person of normal sensibilities" and "unreasonably loud." These terms have been

subject to judicial scrutiny¹ and, in numerous cases, it has been held that these terms render noise ordinances unconstitutionally vague, thus unenforceable. Attorneys representing local businesses before the City's Special Master are aware of these constitutional problems and raise the issue in defense of their clients. Additionally, many businesses which caused objectionable noise considered the City Special Master fines for violations simply a cost of doing business. Businesses like Amnesia, which was taking in over ten thousand (\$10,000.000) dollars a night, scoffed at the City fine of \$100.00 or even \$500.00.

It is important to note that the City adopted a noise ordinance that specifically provides for prosecution before the "Special Master"² under Chapter 30 of the City Code and Florida Statute 162³; it also provides for specific civil fines.⁴ See Sec. 46-159, Miami Beach City Code. Moreover, the Special Master can not apply the level of fines which is provided in F.S. 162.09(3)(d) nor the similar level provided in CMB Code Section 30-74(c), nor does the City noise ordinance provide for arrest, or imprisonment.⁵ The Florida Attorney General has stated in numerous opinions that local government derives no delegated authority from Chapter 162. Further, municipalities derive no home rule power from Article VIII, Section 2(b), Florida Constitution, or Section 166.021, Florida Statutes, to regulate the Code Enforcement Boards or Special Masters. Thus, once the City of Miami

¹ For your convenience, the terms and the case law have been set out in attached Exhibit 1 in red.

² The Special Master, in absence of a provision of law in Chapter 162, Fla. Stat., cannot require community service rather than payment of a monetary fine as the method of assuring continued compliance. Today, if there is resistance to compliance, we have the option to enforce compliance by taking a Special Master's order to the County or Circuit Court and seeking injunctive relief. Further, the Special Master does not have the right to collect, by action at law, a money judgment for failure to pay a fine. The language in Chapter 162 provides that a fine continues "to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien"; this authorizes an equitable action to enforce the lien. Since the Statute is in derogation of the common law and punitive in nature, it therefore has to be strictly construed, even though it was enacted for the public benefit. City of Tampa v. Braxton, 616 So.2d 554 (Fla. 2d DCA 1993).

³ Chapter 162, Florida Statutes, establishes administrative enforcement procedures and a means of imposing administrative fines by our Special Master for violations of the City Code and ordinances and does not provide for any criminal penalty. This mechanism was necessitated by provisions of Article V, Section 1, and Article I, Section 18, Florida Constitution, which state that commissions established by law or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices and that no administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law. However, the City could adopt the procedures set out in Part II of Chapter 162, Fla. Stat., which does have a provision for imprisonment; but our existing Special Master system is working well and adopting a hearing officer system like the County under Part II carries a number of obvious problems.

⁴ Noise violations are at best quasi-criminal or a "generic" crime; the State Legislature by enacting Section 775.08, Florida Statutes (attached as Exhibit 2, with applicable portions highlighted for your convenience) defined "crime" as either a felony or misdemeanor and then specifically excluded violations of municipal ordinances as misdemeanors. Thomas v. State 583 So.2d 336, 343 (Fla. 5th DCA 1991).

⁵ Where a City Ordinance or Code provision makes an act unlawful or an offense, but, where there is no specific penalty provided therefore, Miami Beach Code Sec. 1-14 provides that it shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment. But this infraction would be enforced through the County Court, not the Special Master (unless the imprisonment portion is waived).

Beach adopted the procedures of Chapter 162, Florida Statutes to enforce its municipal code and ordinances, it may not alter or amend those statutorily prescribed procedures, but must utilize them as they are set forth in the statute. Attempts in the past to bring the penalty imposed under the City's noise ordinance consistent with the penalties that the Special Master could impose under Chapter 30 of our Code was met with a serious hew and cry of foul by the business community! Several attempts were made to change the City's noise ordinance in the recent past and each time the resistance of the Business community and the far reaching demands of certain individual citizens created obvious road blocks and resulted in no commission support.

Reason for Enforcement of the County Noise Ordinance: Faced with the inability to effectively amend the City's noise ordinance, and in order to insure quick compliance and to stop objectionable noise, the City went to the Miami-Dade County Noise Ordinance §21-28.⁶ While the County ordinance also has problems (see Exhibit 2, portions highlighted in red) there are obvious advantages to the City to seek enforcement under the County ordinance:

1. Prosecution of the violation becomes a function of the State Attorney; and
2. Constitutional defense of the ordinance (including multiple levels of appeal), becomes an obligation and cost to the County Attorney and or State Attorney; and
3. The County ordinance provides that violation of section 21 of the County Code is subject to fine and/or imprisonment in the County facility for a period up to 60 days⁷. Therefore, after notice to cease, if the violator disregarded the warning and continued, he/she/it could be arrested (although City policy has been to PTA (Promise to Appear) the violator with a citation to the County Court); and would be prosecuted⁸ by the State Attorney.
4. If the City created an ordinance violation punishable by incarceration, even though the ordinance violation does not rise to the level of a misdemeanor, it would have to be treated as equivalent for the purposes of applying speedy trial rules.⁹

⁶ A copy of the County's ordinance is attached as Exhibit 2. 3

⁷ The City does not have a facility in which to incarcerate an individual for longer than a few hours; if the City ordinance carried an imprisonment penalty, it would require an inter-local agreement with the County.

⁸ The City of Miami Beach presently is utilizing its home rule power, to adopt ordinances and enforce them by means other than provided in Part I of Chapter 162, Florida Statutes. The City of Miami Beach could utilize a different procedure authorized by Part II of Chapter 162, Fla. Stat., similar to the County, or even enter into an inter-local agreement with Miami-Dade County to have certain municipal code infractions handled by the County's code hearing officer (The county utilizes a different procedure under Part II of Chapter 162; the hearing officer can only determine factually whether the violation occurred or not and must impose the penalty provided by the County code), or the City could seek direct enforcement through the County Court.

⁹ See Fla. R. Crim. P. 3.191; City of Fort Lauderdale v. Matlin, 566 So.2d 1330 (Fla. 4th DCA 1990).

5. Moreover, once the City passed a noise ordinance punishable by incarceration, Section 27.51(1)(a), Fla. Stat., would then require representation of those insolvent persons charged with violation of the municipal ordinance.¹⁰
6. Even though the City enforces the County's noise ordinance, imprisonment is waived and the matter is prosecuted before the City of Miami Beach's Special Master. The City has been citing between 30 and 40 noise violations each weekend; they consist of both residential (neighbors playing loud music) and commercial (usually from the night clubs) violators. Code effectively obtains compliance by citing for both noise and zoning violations, i.e., the Royal Crown Hotel had outdoor music by its pool on the weekend; Code cited for both the noise and for violating the ordinance prohibiting an outdoor entertainment establishment operating without conditional use approval. The Royal Crown Hotel immediately ceased and desisted. In the past, we have had commercial party houses in the residential districts; they have been cited for both noise and zoning violations, and have imposed fines of \$15,000.00. Code and our Police Department are very effective under the existing system.

Workshops have proved totally ineffective in trying to get public support for an amended noise ordinance. The use of the Miami-Dade County noise ordinance has been, for the most part, very effective. There have been one or two minor exceptions, but, on the balance, code compliance would acknowledge that they have been able to be effective. We have had a few individuals that continually complain whether a violation exists or not; Code Inspectors are being constantly called by these individuals even though no violation is found. An example would be the Loews Hotel where subsequent purchasing condo owners facing the north side of the Loews Hotel where the loading docks are located, have complained about the garbage trucks and trucks backing up with the beeping (required by both state and federal law) has annoyed them.

Noise ordinances throughout the United States are generally classified according to certain criteria. Some are classified according to their **subject**: environmental, building and entitling ordinances. Environmental ones usually deal with restrictions upon acceptable indoor and outdoor noise levels in different areas or zoning districts. Building ordinances state requisites as to the acceptable noise and vibration insulation (horizontal and vertical) between dwellings, and sometimes also address the reverberation times of rooms intended for specific uses. Entitling ordinances regulate the acoustical conditions of buildings, halls, shops and vehicles intended for specific commercial or public activities.

Other noise ordinances are classified according to their **nature**: preventive, punitive, and declarative. Preventive ordinances prescribe actions to be taken in order to create favorable conditions toward the reduction of environmental noise, such as education, research projects and monitoring. Punitive ones attempt to discourage noisy activities by the application by different types of punishment (fines, closures). Declarative ordinances state purposes, policies, and/or supports.

¹⁰ Unless, in that specific case the County Court Judge determined and issued an order that it would not sentence the defendant to imprisonment, if convicted. See §27.512, Fla. Stat.

Another type of noise ordinance is classified according to the **noise descriptor** used to set maximum allowable levels: peak frequency, equivalent level, and statistical parameters.

Many ordinances cover more than one category for each criterion. Environmental ordinances usually consider two separate noise source categories: fixed and mobile. Fixed sources are any appliances or pieces of equipment permanently located at a definite site for their industrial, commercial, or private use. Mobile sources are all kinds of vehicles. Classification originates in the need to define clearly each party's responsibility in a dispute caused by noise. Most times the inspector can determine whether a specific fixed source is causing a disturbance or not, but it is not so easy in the case of a single vehicle, because the responsibility in this case is distributed over all the vehicles circulating by a given location; or, in the case of music from sidewalk cafes, where several are in close proximity.

In the case of fixed noise sources, ordinances provide limits to be checked at the receiver's location (usually inside a bedroom, which is the case in the City of Miami Beach's noise ordinance¹¹). The owner or operator of the noise source is, thus, responsible for adjusting the noise emission (or the insulation) as required to comply with those limits. But, generally, the noise complaint comes late at night, and once the complaining call is made, the complainant doesn't want to be awakened again by the inspector checking the noise level from inside his bedroom!

The noise generated by a single transient vehicle generally does not constitute a severe nuisance (motorcycles, especially Harley Davidsons with straight pipes could be an exception); moreover, the noise coming from many simultaneous and successive vehicles, which comes from grid lock at night on Ocean Drive, Collins, and Washington certainly creates a problem for residents.

There are three different kinds of noise descriptors currently in use in noise ordinances in South Florida. The previous City of Miami Beach noise ordinance was based on the concept of measuring the noise peaks (i.e., the relative maxima of the sound levels) in a given time interval.

These descriptors were measured by means of a simple sound level meter, but attorneys for the violators were able to show at the time of hearing that our inspectors' noise meters could not distinguish between the violating noise and ambient noise. Sometimes, the ambient noise, when taken as a total, would far exceed the violating noise level. It became an ineffective device for the purpose of prosecuting noise violators.

Some ordinances in large metropolitan areas take advantage of integrating sound level meters, nowadays available at a cost, which are capable of measuring average level over time, i.e., the equivalent sound level. This descriptor could be fairly well correlated with long-time exposure effects of environmental noise or ambient noise. This would require professional studies, at significant cost.

¹¹ Section 46-151 "Receiving property" is defined as any residence or place of business into which sound, not originating therefrom is traveling." "Residence" is defined to mean any occupied room or rooms connected together containing sleeping facilities, including single and multiple family homes, town homes, apartments, condominium units, and hotel and motel rooms."

Our noise ordinance divides the Ocean Drive area into different districts, with different noise limits in each. One district, the "Cabaret District", is between 900 and 1090 Ocean Drive. The drawback of this approach is that the "Cabaret District" is not necessarily geographically homogeneous; what was thought to be basically a sidewalk café, restaurant and night club district has turned out to be intermixed with residential units making urban planning, from a noise standpoint, very difficult. It is also very difficult to enforce the allowable noise levels, especially in this most critical area; so many of the businesses are emitting music or other noise that, many times, it is difficult to distinguish allowable noise from the violating noise .

Premises intended for discotheques and night clubs where dance parties or concerts take place have caused several sorts of problems: a) an exceedingly high sound level inside, with consequences for patrons and personnel ranging from simple discomfort to auditory risk, b) acoustical leakage towards neighboring areas, due to insufficient insulation, and c) noise occurring from the sidewalk lines waiting to enter these premises; d) disorderly conduct when these premises have to be emptied because of overcrowding; e) noise on leaving, sometimes caused by behavior alterations after the exposure to very loud noise, and alcohol.

RD/bfg

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Condensed Title:

Amendment pertaining to legalization of non-conforming setbacks and permitting encroachments into easement areas in the GC Golf Course District (La Gorce Golf Club).

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character

Issue:

Should the City allow for non-conformities to become legal, establish rear setbacks for pools, decks and required rear yards; permitting decks and in-ground pools to encroach into the easement areas; and conveyed easement areas shall not be included in the determination of lot coverage and other development rights in the GC Golf Course District (La Gorce Golf Club).

Item Summary/Recommendation:

The proposed ordinance would allow nonconformities to be legalized, establish new setbacks for pools and decks and permit encroachments into the conveyed areas. The conveyed areas would not be included in the determination of development rights.

The Administration recommends that this proposed ordinance not be approved; however, should the City Commission deem appropriate to approve the ordinance that the Alternate version be approved on first reading with the modifications suggested in this memorandum. These modifications to the Alternate version are necessary in order to mitigate serious concerns regarding the existing utility easement. Should the City Commission approve the ordinance on first reading, it is recommended that a second reading public hearing be set, at which time a modified ordinance could be adopted.

Advisory Board Recommendation:

At the March 29, 2005 meeting, a motion was made and approved by a vote of 4-1, to recommend approval of the ordinance with some modifications, which are reflected in the Planning Board version of the ordinance. A second motion was made and approved unanimously to recommend that should the Commission allow structures on the easement area, only in-ground pools/decks be allowed.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

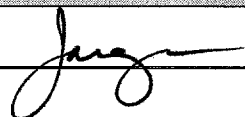
OBPI

Financial Impact Summary:
The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

AGENDA ITEM RSD
DATE 12-7-05



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that this proposed ordinance not be approved; however, should the City Commission deem appropriate to approve the ordinance that the Planning Board version be approved on first reading with the modifications suggested in this memorandum. These modifications to the Planning Board version are necessary in order to mitigate serious concerns regarding the existing utility easement. Should the City Commission approve the ordinance on first reading, it is recommended that a second reading public hearing be set, at which time a modified ordinance could be adopted.

BACKGROUND

The La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries and it revealed that some of the accessory structures of the single-family properties surrounding the golf course were encroaching into the golf course properties.

This issue was discussed at a Land Use and Development Committee (LUDC) on December 6, 2004 at which time a motion was approved to refer to the Planning Board amendments to the Land Development Regulations to permit the following for properties abutting the La Gorce Golf Course:

1. All structures presently existing on properties abutting the golf course would become legal nonconforming as to setbacks.

2. The setback on properties abutting the golf course would be amended as follows:
 - a. For pools, and decks, the setback becomes 0 feet.
 - b. For all other structures, the setback becomes 10 feet.
3. Awnings, canopies and decks may encroach into easement areas conveyed by the golf course to the abutting property owner.
4. Variances to #2 above would be allowed.
5. The conveyed easement areas shall not be used for purposes of determining lot coverage or other regulations not otherwise provided herein.
6. These regulations would apply to private golf courses existing as of the date of the ordinance.

The proposed ordinance also includes language where it is the property owner's responsibility to establish to the Building Official's satisfaction that the existing nonconforming structures meet applicable building codes; that the only permissible encroachments are decks and pools; and the conveyed easement by the golf club is not to be counted in lot coverage or other development rights.

ANALYSIS

The first reading of this ordinance was originally scheduled for the April 20, 2005 meeting of the City Commission; however, before this item was included in the agenda, the Public Works Director and the City Engineer raised a number of concerns regarding the location of utility easements and the access to the utilities when maintenance or repairs were necessary.

The distance between the existing utility easements around the golf course and the single-family homes is not constant; there are different variations on the east and west sides of the golf course. The distance of the 15-ft. utility easement on the east side of the golf course is approximately 20 feet from the property line separating the golf course and the single-family homes. On the west side, the utility easement runs 5 feet on either side of the property line separating the single-family homes and the golf course.

By a platted or granted easement, a utility owner has the right to that portion of the easement on a property for accessing, installing, maintaining, removing and/or replacing utilities in perpetuity.

The City of Miami Beach, as owner of utilities providing its residents with water supply and collection and disposal of sanitary and storm sewer, has the right to utilize non-exclusive easements on fee simple owned properties, to ingress and egress said premises at all times; to clear the land and keep it cleared of all trees, landscaping, undergrowth and other obstructions within the easement area; to remove any overhang projecting within the dedicated easement area which might interfere with the operation, construction or maintenance of facilities in that area .

The fee simple owner of the property does not have the right to improve or modify the easement area. Any structures, walls, decks, fences, landscaping or appurtenances existing within the easement area are considered encroachments unless specifically permitted by the City - only at-grade sodding is allowed in an easement area - and encroachments within the easement area must be removed by the owners at their expense. A permit may be granted by the City for certain uses of the easement area by the fee simple property owner. These permitted uses may be limited to installing a light removable fencing with foundations not exceeding six inches in depth, installing flexible irrigation pipes or installation of light removable patio fixtures. Such permitted uses will require a recorded restrictive covenant by the property owner for holding the City harmless in the removal of such appurtenances to access the utilities in the easement and the responsibility to restore the easement area at owner's expense.

The granting of an easement by the La Gorce Golf Course to the single-family property owners on the east side of the golf course would not encroach or cause a problem with the utility easement; however, this would not be the case for those properties on the west side of the golf course, perhaps creating inequity among single-family property owners.

The Planning Board Version of the ordinance proposes the following:

1. Buildings existing as of January 1, 2005 that do not conform to the current land development regulations may establish compliance with applicable building codes to the Building Official's satisfaction and become legal.
2. Rear setback requirements to be zero (0) feet from the fee-simple property line for pools and decks, with a minimum walk space at least 18 inches wide between the water's edge of the swimming pool and the rear property line.
3. Variances to rear setbacks to be permitted.
4. Only green space/landscaping and a fence/hedge would be allowed in the easement area conveyed by the GC golf course property owner.
5. The conveyed easement areas would not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

The Administration recommends that if the City Commission approves an ordinance, a Modified Planning Board version be adopted, which eliminates section (b) – this section corresponds to numbers 2 and 3 above. What this modification would do is to leave the rear setback requirements as they currently exist in the land development regulations. This modification is necessary to avoid encroachments into the utility easements around the golf course and the single-family homes; these areas free of encroachments would allow the City of Miami Beach, as owner of utilities providing the residents with water supply and collection and disposal of sanitary and storm sewer, ingress and egress as may be necessary for maintenance or repairs.

It should be noted that legal action has been initiated by property owners abutting the La Gorce Golf Course, and it is still pending.

PLANNING BOARD ACTION

At the March 29, 2005 meeting, a motion was made and approved by a vote of 4-1, to recommend approval of the ordinance with some modifications, which are reflected in the Alternate version of the ordinance included herein.

A second motion was made and approved unanimously to recommend that should the Commission allow structures on the easement area, only in-ground pools/decks be allowed.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the proposed ordinance not be approved. However, should the City Commission deem appropriate to approve the ordinance that the Modified Planning Board version be approved on first reading, which include the modifications suggested in this memorandum.

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations of the City Code does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/TH/JGG/ML

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ORDINANCE TO BE SUBMITTED

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Condensed Title:

Ordinance Amendment Pertaining to the Scope and Exemptions of the Design Review Board.

Key Intended Outcome Supported:

Increase satisfaction with Neighborhood character.

Issue:

The confirmation of DRB review authority as it pertains to townhome developments and single family homes located in single family districts.

Item Summary/Recommendation:

The subject ordinance affirm that townhome developments are subject to DRB review and that single family homes located in single family districts are not subject to DRB review.

The Administration recommends that the Ordinance be adopted on First Reading and that the City Commission schedule a Second Reading public hearing.

Advisory Board Recommendation:

The Planning Board reviewed the subject Ordinance on November 22, 2005 and transmitted it to the City Commission with a favorable recommendation.

Financial Information:

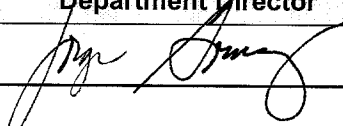
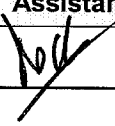
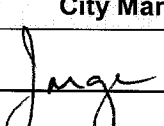
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	Total			

Financial Impact Summary:
The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Tom Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES" BY CLARIFYING THE SCOPE OF REVIEW OF THE DESIGN REVIEW BOARD AS IT PERTAINS TO SINGLE FAMILY HOMES AND TOWNHOMES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the proposed Ordinance on First Reading and schedule a Second Reading Public Hearing.

ANALYSIS

The proposed Ordinance amendment clarifies two (2) separate provisions pertaining to the applicability and exemptions of the Design Review Board (DRB). First, the subject Ordinance clarifies that the DRB scope of review includes townhomes and townhouse developments.

Secondly, the Ordinance confirms that single-family detached dwellings within single family zoning districts are exempt from the design review regulations and do not require the review of the DRB. This change makes it clear that single family homes in multi-family and townhome districts are subject to the review of the DRB.

These modifications add clarity to the Design Review section of the Land Development Regulations and will assist individuals who are reading the code for the first time in order to ascertain specific development rights and regulations.

The Planning Board reviewed the subject Ordinance on November 22, 2005 and transmitted it to the City Commission with a favorable recommendation.

FISCAL IMPACT

The proposed Ordinance is not expected to have any fiscal impact.

CONCLUSION

Adopt the proposed Ordinance on First Reading and schedule a Second Reading Public Hearing.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/TRM
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DRB Scope and Exemptions

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES" BY CLARIFYING THE SCOPE OF REVIEW OF THE DESIGN REVIEW BOARD AS IT PERTAINS TO SINGLE FAMILY HOMES AND TOWNHOMES; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the promotion of appropriate urban design throughout the City; and

WHEREAS, the Mayor and City Commission have deemed it in the best interest and welfare of the City to administer procedures for the review of all multi-family and townhome projects located outside of a designated historic district; and

WHEREAS, the Mayor and City Commission deem it appropriate to protect the significant architectural history, existing building scale, and unique character of the multi-family residential and townhome neighborhoods in Miami Beach; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 118, "Administration and Review Procedures," Article VI, "Design Review Procedures" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 118-252 as follows:

Sec. 118-252. Applicability and exemptions.

(a) Applicability.

(1) All building permits for new construction, public interior areas, interior areas that face a street or sidewalk, demolitions and wrecking, alterations, or additions to existing buildings, including fences, parking lots, walls and signs, whether new or change of copy, and exterior surface finishes and materials, shall be subject to review under the design review procedures except as provided in subsection (b) of this section. No building permit shall be issued without the written approval by the design review board or staff as provided for in these regulations.

(2) All public improvements upon public rights-of-way and easements. For purposes hereof, public improvements shall include, but not be limited to, structures, streetscape

projects, street improvements or redesign, modifications to street lighting or signage, landscaping projects, medians, and above ground utilities; however, public improvements shall exclude routine maintenance and utility repair work.

(3) The review and approval of all new single family home construction, in accordance with subsection 142-108. 142-105(d)(7).

(4) The review and approval of all new townhomes and townhouse developments, in accordance with the procedures of this Article.

(b) Exemptions. Exemptions to these regulations include all of the following provided no new construction or additions to existing buildings are required:

(1) All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of the building, excluding public interior areas and interior areas that face a street or sidewalk; however, the planning director may approve such building permit applications for minor work on the exterior of buildings.

(2) Any permit necessary for the compliance with a lawful order of the building official, fire marshal or public works director related to the immediate public health or safety.

(3) All single-family detached dwellings within single family zoning districts are exempt from the design review regulations, with the exception of exterior surface color samples and finishes, and the review and approval of all new single family home construction in accordance with subsection 142-108. 142-105(d)(7). However, all building permits for new construction, alterations or additions to existing structures shall be subject to compliance with section 142-105, and all demolition permits must be signed by the planning director, or designee.

(4) All properties located within designated historic districts and designated historic sites.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

Date

First Reading: December 7, 2005

Second Reading: January , 2006

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

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11/29/2005

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Condensed Title:

Ordinance Amendment Pertaining to Parking Pedestal Design Requirements

Key Intended Outcome Supported:

Increase satisfaction with Neighborhood character

Issue:

To require that parking pedestals facing streets and waterways be fronted with residential or commercial uses, as applicable.

Item Summary/Recommendation:

The subject ordinance requires that all parking pedestals incorporate residential or commercial uses, as applicable, at the ground level along every facade facing a street, sidewalk, waterway or the ocean, as well as residential uses at each level facing the ocean or a waterway. Any parking levels above the first floor that face a street or sidewalk would also be required to incorporate residential or commercial spaces, the quantity and distribution of which would be subject to the Design Review or Historic Preservation Boards, as applicable. For properties not having access to an alley, the required residential or commercial space at ground level shall exclude frontage for entrance and exit drives.

The Administration recommends that the Ordinance be adopted on First Reading and that the City Commission schedule a Second Reading public hearing.

Advisory Board Recommendation:

The Historic Preservation Board reviewed the subject Ordinance on November 8, 2005 and recommended approval.

The Design Review Board reviewed the subject Ordinance on November 15, 2005 and recommended approval.

The Planning Board reviewed the subject Ordinance on November 22, 2005 and transmitted it to the City Commission with a favorable recommendation.

Financial Information:

Source of Funds:	Amount	Account	Approved
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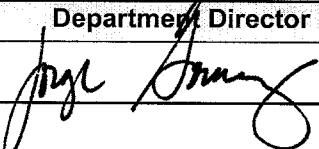
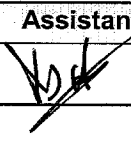
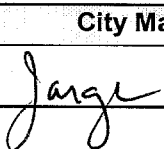
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Financial Impact Summary:
The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Tom Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez 

DATE: December 7, 2005

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF STREET PARKING," ARTICLE III, "DESIGN STANDARDS," TO MODIFY THE REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING GARAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-156 TO MODIFY THE REQUIREMENTS FOR NEW CONSTRUCTION TO REQUIRE RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY HIGH INTENSITY," DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AND DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," TO ADD NEW SECTIONS SPECIFYING REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING DIVISION 18, "PERFORMANCE STANDARD DISTRICT," SECTION 142-695, TO ADD NEW REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the proposed Ordinance on First Reading and schedule a Second Reading Public Hearing.

ANALYSIS

Recently, the Historic Preservation Board adopted a Resolution urging the City Commission to modify the Land Development Regulations of the City Code to require

that all portions of parking pedestals facing public rights-of-way, the ocean or the bay, be lined with residential units. The Land Use and Development Committee considered the request of the Historic Preservation Board and recommended that the Full Commission transmit an Ordinance to the Planning Board.

The subject ordinance requires that all parking pedestals incorporate residential or commercial uses, as applicable, at the ground level along every facade facing a street, sidewalk, waterway or the ocean, as well as the upper levels of those facades facing a waterway. For properties not having access to an alley, the required residential or commercial space at ground level shall exclude frontage for entrance and exit drives.

The purpose of the proposed Ordinance is to address existing shortcomings in the current code as it pertains to portions of parking pedestals that front sidewalks, rights-of-way and waterfronts. In this regard a number of projects have been approved over the last few years, as well as recently, with parking pedestals that are inappropriately screened and programmed on the street and waterfront elevations. These structures fail to respond to the built context of their surroundings as they consist of monolithic buildings with bright lighting fixtures, large openings and unsightly visual blight.

The subject Ordinance proposes to codify what has been a standard recommendation of Planning Department staff for new development projects, and a standard that has been applied on a fairly consistent basis by the City's development review boards. Specifically, the proposed Ordinance would require that those portions of a parking pedestal or a parking garage that face a street, sidewalk or waterway (including the ocean) at the ground level be clad with active programming such as residential or office uses, as applicable.

In order to address unique situations and extenuating circumstances, such as the construction of a public parking garage or odd shaped lots, the Planning Board slightly modified the original draft of the Ordinance. In this regard, those portions of a parking pedestal facing a street or sidewalk above the first level would incorporate a residential or commercial component, but the quantity and distribution of such uses would be left to the discretion of the Design Review or Historic Preservation Boards, as applicable. For those floors above the first level that face the ocean or a waterway, residential uses would still be mandatory.

This Ordinance amendment will assure that new infill construction is contextually compatible with the built character of its immediate area. Additionally, it will help reduce the sometimes overbearing size of large pedestals, as well as reduce the height of development projects by requiring that portions of a structure that would normally be located above a pedestal now be placed within the pedestal, thus lowering the overall height of new buildings while having no impact on the maximum FAR for a site.

These modifications clarify the relevant development regulation sections for all commercial and multi-family zoning districts in the Land Development Regulations and will assist individuals who are reading the code for the first time in order to ascertain specific development rights and requirements.

The Design Review Board reviewed the subject Ordinance on November 15, 2005 and

recommended approval and the Historic Preservation Board is expected to review the subject Ordinance on November 30, 2005.

The Planning Board reviewed the subject Ordinance on November 22, 2005 and transmitted it to the City Commission with a favorable recommendation. The Planning Board recommended that the following be included in the subject Ordinance:

1. Residential or commercial uses, as applicable, shall be required at the first level along every facade facing a street, sidewalk or waterway.
2. Residential or commercial uses, as applicable, shall be required above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include residential or commercial uses, the total amount of which shall be subject to the Design Review or Historic Preservation Board, as applicable.

FISCAL IMPACT

The proposed Ordinance is not expected to have any fiscal impact.

CONCLUSION

Adopt the proposed Ordinance on First Reading and schedule a Second Reading Public Hearing.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/TRM

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PARKING PEDESTAL DESIGN REQUIREMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF STREET PARKING", ARTICLE III, "DESIGN STANDARDS", TO MODIFY THE REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING GARAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS", SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY", SECTION 142-156 TO MODIFY THE REQUIREMENTS FOR NEW CONSTRUCTION TO REQUIRE RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY", SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY HIGH INTENSITY", DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT", DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT", DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT", AND DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT", TO ADD NEW SECTIONS SPECIFYING REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING DIVISION 18, "PERFORMANCE STANDARD DISTRICT", SECTION 142-695, TO ADD NEW REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the protection, enhancement and retention of the established architectural scale, character and context of the City's multifamily and mixed-use zoning districts; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to have procedures for the review of new construction within the City's multifamily and mixed-use zoning districts; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to adopt procedures to preserve, enhance and protect the unique architectural character and context of the multifamily and mixed-use zoning districts in Miami Beach; and

WHEREAS, The City of Miami Beach Historic Preservation, Design Review and Planning Boards strongly endorse the proposed amendments to the Code herein; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the

above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 130, "Off Street Parking", Article III, "Design Standards", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 130-68 as follows:

Sec. 130-68. Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages as a main use on a separate lot shall be subject to the following regulations, in addition to the other regulations of this article:

(1) When located in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4 and MXE districts and in GU districts adjacent to commercial districts, a commercial or noncommercial parking garage shall incorporate the following:

- a. Residential or commercial uses at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
- b. Residential or commercial uses above the first level along every facade facing a waterway or the ocean.
- c. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

~~have at a minimum, first floor frontage consisting of space which is to be occupied for accessory residential or commercial uses along every facade facing a street, excluding frontage for entrance and exit drives.~~ However, in no instance shall the above described residential or commercial space exceed 25 percent of the total floor area of the structure. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(2) When located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts and the GU districts adjacent to residential districts, the following regulations shall apply:

a. Commercial or noncommercial parking garage shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
2. Residential uses above the first level along every facade facing a waterway or the ocean.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable.

~~at a minimum be architecturally compatible with the character of the surrounding residential district. Where feasible, residential uses are encouraged on the facades facing a street.~~

b. In addition, the following shall apply:

1. a. When a parking garage is located in the RM-3 or R-PS4 districts, or on Collins Avenue from 25th to 44th Streets, or on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject RM-3 area.
2. b. When a parking garage is located in an RM-1 district, where the subject site is abutting a property line or separated by an alley from a CD-3 district, the garage may also serve commercial uses.
3. c. When a parking garage is located in an RM-2 district, where the subject site is fronting on or separated by a street but not an alley or property line from a CD-2 or CD-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject CD-2 or CD-3 area, and also serve commercial uses.
4. d. Any parking structure permitted under (b) and (c) that serve commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.
5. e. At least one third of the parking spaces in any parking structures permitted under (b) and (c), shall be dedicated for residential uses at all times. The planning board may, based upon the projected neighborhood demand, increase or decrease the percentage of residential parking as part of the conditional use process.
6. f. When commercial uses are permitted in the ground floor of parking structures under this subsection (2) dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments shall be prohibited uses in the garage structure.

In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure, with the commercial space not exceeding ten percent of the total floor area of the structure, nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage. Signage for commercial uses allowable under this provision are limited to one nonilluminated sign no greater than ten square feet in area per business.

SECTION 2. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 142-156 as follows:

Sec. 142-156. Setback requirements.

* * * *

(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential uses at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable.

~~the ground floor level of a building when viewed from shall be screened or enclosed. The method of screening or enclosure shall be approved under the design review process.~~

SECTION 3. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-219 as follows:

Section 142-219. Regulations for new construction.

In the RM-2, residential district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential uses above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 4. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision V, "RM-3 Residential Multifamily High Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-248 as follows:

Section 142-248. Additional regulations for new construction.

In the RM-3, residential district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential uses above the first level along every facade facing a waterway.

3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 5. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 4, " CD-1 Commercial, Low Intensity District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-278 as follows:

Section 142-278. Additional regulations for new construction

In the CD-1 district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 6. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 5, " CD-2 Commercial, Medium Intensity District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-308 as follows:

Section 142-308. Additional regulations for new construction

In the CD-2 district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway; for properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 7. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 6, " CD-3 Commercial, High Intensity District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby

amended by adding new section 142-339 as follows:

Section 142-339. Additional regulations for new construction.

In the CD-3 district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway; for properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 8. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 13, "MXE Mixed Use Entertainment District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-550 as follows:

Section 142-550. Additional regulations for new construction.

In the MXE district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 9. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 18, "Performance Standard District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 142-695 as follows:

Section 142-695. Performance standard regulations generally.

(a) No building, structure or land shall be used or occupied except in conformance with the performance standards applicable to the use and subdistrict as set forth in the applicable table of performance standards. The purpose of the performance standards are:

- (1) To provide detailed regulations by means of minimum criteria which must be met by all uses in order to ensure development consistent with the goals and objectives of the comprehensive plan and the redevelopment plan;
- (2) To protect the integrity of the comprehensive plan and the redevelopment plan and the relationships between uses and densities that are essential to the viability of these plans and the redevelopment area; and
- (3) To promote and protect the public health, safety, and general welfare by requiring all development to be consistent with the land use, circulation and amenities components of the redevelopment element of the comprehensive plan and the capital improvements program for the area, as specified in the comprehensive plan.

(b) In the R-PS and RM-PS districts, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

(c) In the C-PS districts, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential or commercial uses above the first level along every facade facing a waterway.
- (3) All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable.

SECTION 10. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 11. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 12. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

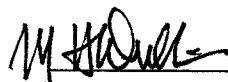
PASSED AND ADOPTED this _____ day of _____, 2006.


MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney 

11-29-05

Date

First Reading: December 7, 2005

Second Reading: _____, 2006

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

11/29/2005

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Condensed Title:

Ordinance amending Ordinance No. 1605, the Unclassified Employees Salary Ordinance

Key Intended Outcome Supported:

Attract and maintain a quality workforce

Issue:

Shall the City provide appropriate titles and salary ranges for individuals performing specific duties and provide a classification and compensation system that is fair and representative of the functions performed in the City by amending the Unclassified Salary Ordinance? Shall approval be granted to allow up to a 20% increase above the maximum of the range for designated classifications when justified?

Item Summary/Recommendation:

The Ordinance amending Ordinance No. 1605, the Unclassified Employees Salary Ordinance, establishing the classifications of Bicycle Program Coordinator, Case Worker II, Chief Building Code Compliance Officer, Chief Fire Protection Analyst, Community Information Coordinator, Emergency Management Coordinator, Environmental Resources Manager, Film & Event Production Manager, Grants & Operations Administrator, Labor Relations Director, Labor Relations Specialist, Landscape Projects Coordinator, Management Consultant, Media Assistant, Neighborhood Services Projects Administrator, Park Facility Manager, Radio Systems Administrator, Senior Management Consultant, Senior Network Administrator, Senior Systems Analyst, Senior Systems Administrator, Senior Telecommunications Specialist, Systems Administrator, Systems Analyst, Telecommunications Specialist, Traffic Engineer, Transportation Manager, Truancy Prevention Program Coordinator, Urban Forester and VOIP Network Administrator. For positions that require special skills, certification or that by virtue of market conditions, such as Engineers, Information Technology and Construction positions, the City Manager may approve a Market Rate Analysis (MRA) of up to 20% above the maximum pay range. In determining these MRA's, an analysis of competitive rates for the market will be done to determine the appropriate adjustment with approval by the City Manager. With regard to the Attorneys in the Legal Department, the City Attorney shall be responsible for the MRA analysis, and shall determine the appropriate adjustment of up to 20% above the maximum pay range.

The Administration recommends that the City Commission approve the Ordinance on first reading and schedule a second reading for a public hearing.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
<i>Mayor & D. Burt...</i>		<i>J...</i>

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MIAMI BEACH

 AGENDA ITEM R56
 DATE 12-7-05



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF BICYCLE PROGRAM COORDINATOR, CASE WORKER II, CHIEF BUILDING CODE COMPLIANCE OFFICER, CHIEF FIRE PROTECTION ANALYST, COMMUNITY INFORMATION COORDINATOR, EMERGENCY MANAGEMENT COORDINATOR, ENVIRONMENTAL RESOURCES MANAGER, FILM & EVENT PRODUCTION MANAGER, GRANTS AND OPERATIONS ADMINISTRATOR, LABOR RELATIONS DIRECTOR, LABOR RELATIONS SPECIALIST, LANDSCAPE PROJECTS COORDINATOR, MANAGEMENT CONSULTANT, MEDIA ASSISTANT, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR, PARK FACILITY MANAGER, RADIO SYSTEMS ADMINISTRATOR, SENIOR MANAGEMENT CONSULTANT, SENIOR NETWORK ADMINISTRATOR, SENIOR SYSTEMS ANALYST, SENIOR SYSTEMS ADMINISTRATOR, SENIOR TELECOMMUNICATIONS SPECIALIST, SYSTEMS ADMINISTRATOR, SYSTEMS ANALYST, TELECOMMUNICATIONS SPECIALIST, TRAFFIC ENGINEER, TRANSPORTATION MANAGER, TRUANCY PREVENTION PROGRAM COORDINATOR, URBAN FORESTER, AND VOIP NETWORK ADMINISTRATOR; AMENDING THE GRADES OF THE CLASSIFICATIONS NETWORK ADMINISTRATOR, PROCUREMENT COORDINATOR AND SENIOR PROCUREMENT SPECIALIST; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.**

ADMINISTRATION RECOMMENDATION

Approve the Ordinance on first reading and schedule a second reading for a public hearing.

ANALYSIS

The Administration needs to provide appropriate titles and salary ranges for individuals performing specific duties. Incumbents in these positions have been performing their functions using similar titles and grades, pending this approval. As a result, classifications need to be established and amended. For positions that require special

skills, certification or that by virtue of market conditions, such as Engineers, Information Technology and Construction positions, the City Manager may approve a Market Rate Analysis (MRA) of up to 20% above the maximum pay range. In determining these MRA's, an analysis will be done to determine the appropriate adjustment with approval by the City Manager. With regard to the Attorneys in the Legal Department, the City Attorney shall be responsible for the MRA analysis, and shall determine the appropriate adjustment of up to 20% above the maximum pay range.

The following classifications are being established:

1. Bicycle Program Coordinator (grade 12)
2. Case Worker II (grade 9)
3. Chief Building Code Compliance Officer (grade 16)
4. Chief Fire Protection Analyst (grade 16)
5. Community Information Coordinator (grade 16)
6. Emergency Management Coordinator (grade 17)
7. Environmental Resources Manager (grade 16)
8. Film & Event Production Manager (grade 16)
9. Grants & Operations Administrator (Grade 11)
10. Labor Relations Director (grade 19)
11. Labor Relations Specialist (grade 13)
12. Landscape Projects Coordinator (grade 16)
13. Management Consultant (grade 14)
14. Media Assistant (grade 11)
15. Neighborhood Services Projects Administrator (grade 17)
16. Park Facility Manager (grade 16)
17. Radio Systems Administrator (grade 16)
18. Senior Management Consultant (grade 16)
19. Senior Network Administrator (grade 16)
20. Senior Systems Analyst (grade 15)
21. Senior Systems Administrator (grade 16)
22. Senior Telecommunications Specialist (grade 15)
23. Systems Administrator (grade 15)
24. Systems Analyst (grade 14)
25. Telecommunications Specialist (grade 14)
26. Traffic Engineer (grade 16)
27. Transportation Manager (grade 17)
28. Truancy Prevention Program Coordinator (grade 11)
29. Urban Forester (grade 16)
30. VOIP Network Administrator (grade 16)

Conclusion

By establishing 30 new classifications and amending the grades for Network Administrator, Procurement Coordinator and Senior Procurement Specialist, the Ordinance amendment will ensure that the City has an employee classification and compensation system which is fair and representative of the functions performed in the City.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 1605, THE UNCLASSIFIED EMPLOYEES SALARY ORDINANCE, BY ESTABLISHING THE CLASSIFICATIONS OF BICYCLE PROGRAM COORDINATOR, CASE WORKER II, CHIEF BUILDING CODE COMPLIANCE OFFICER, CHIEF FIRE PROTECTION ANALYST, COMMUNITY INFORMATION COORDINATOR, EMERGENCY MANAGEMENT COORDINATOR, ENVIRONMENTAL RESOURCES MANAGER, FILM & EVENT PRODUCTION MANAGER, GRANTS AND OPERATIONS ADMINISTRATOR, LABOR RELATIONS DIRECTOR, LABOR RELATIONS SPECIALIST, LANDSCAPE PROJECTS COORDINATOR, MANAGEMENT CONSULTANT, MEDIA ASSISTANT, NEIGHBORHOOD SERVICES PROJECTS ADMINISTRATOR, PARK FACILITY MANAGER, RADIO SYSTEMS ADMINISTRATOR, SENIOR MANAGEMENT CONSULTANT, SENIOR NETWORK ADMINISTRATOR, SENIOR SYSTEMS ANALYST, SENIOR SYSTEMS ADMINISTRATOR, SENIOR TELECOMMUNICATIONS SPECIALIST, SYSTEMS ADMINISTRATOR, SYSTEMS ANALYST, TELECOMMUNICATIONS SPECIALIST, TRAFFIC ENGINEER, TRANSPORTATION MANAGER, TRUANCY PREVENTATION PROGRAM COORDINATOR, URBAN FORESTER, AND VOIP NETWORK ADMINISTRATOR; AMENDING THE TITLE AND GRADE OF THE CLASSIFICATION OF LABOR RELATIONS DIRECTOR AND GRADES OF THE CLASSIFICATIONS OF NETWORK ADMINISTRATOR, PROCUREMENT COORDINATOR AND SENIOR PROCUREMENT SPECIALIST; PROVIDING FOR A REPEALER, SEVERABILITY, EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, there is a need to establish certain classifications and amend the grades of certain classifications, in order to ensure that the City has an employee classification and compensation system which is fair and representative of the functions performed in the City. For positions that require special skills, certification or that by virtue of market conditions, such as Engineers, Information Technology and Construction positions, the City Manager may approve a Market Rate Analysis (MRA) of up to 20% above the maximum pay range. In determining these MRA's, an analysis will be done to determine the appropriate adjustment with approval by the City Manager. With regard to

the Attorneys in the Legal Department, the City Attorney shall be responsible for the MRA analysis, and shall determine the appropriate adjustment of up to 20% above the maximum pay range.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: That the following lines of the Unclassified Salary Ordinance No. 1605 are amended to read as follows:

CLASS AND PAY GRADES, SALARIES AND CLASSIFICATIONS

A. Salary Grades and Ranges

GRADE	MINIMUM	MAXIMUM
26	Determined by City Commission	Determined by City Commission
25	\$124,601	\$201,147
24	\$114,614	\$185,114
23	\$105,479	\$170,359
22	\$97,072	\$156,780
21	\$89,335	\$144,285
20	\$82,214	\$132,783
19	\$75,661	\$122,198
18	\$69,630	\$112,460
17	\$64,079	\$103,496
16	\$58,729	\$95,246
15	\$54,268	\$87,653
14	\$49,946	\$80,667
13	\$45,965	\$74,238
12	\$42,301	\$68,319
11	\$38,929	\$62,874
10	\$35,826	\$57,861
9	\$32,971	\$53,251
8	\$30,343	\$49,007
7	\$27,924	\$45,100
6	\$25,699	\$41,505
5	\$23,650	\$38,196
4	\$21,765	\$35,153
3	\$20,030	\$32,351
2	\$18,434	\$29,772
1	\$16,965	\$27,398

B. Grades and Classifications

GRADE	CLASSIFICATION	UNION
26	City Attorney	Unclassified
26	City Manager	Unclassified
25	Deputy City Manager	Unclassified
24	Assistant City Manager	Unclassified
24	Chief Deputy City Attorney	Unclassified
24	Chief Financial Officer	Unclassified
23	Deputy City Attorney	Unclassified
23	Fire Chief	Unclassified
23	Police Chief	Unclassified
22	Executive Assistant to the City Manager	Unclassified
22	Public Works Director	Unclassified
21	Assistant Chief of Police	Unclassified
21	Assistant Fire Chief	Unclassified
21	Building Director	Unclassified
21	Capital Improvement Projects Director	Unclassified
21	City Clerk	Unclassified
21	First Assistant City Attorney	Unclassified
21	General Services Director	Unclassified
21	Human Resources Director	Unclassified
21	Budget & Performance Improvement Director	Unclassified
21	Neighborhood Services Director	Unclassified
21	Parking Director	Unclassified
21	Planning Director	Unclassified
21	Parks & Recreation Director	Unclassified
20	Assistant Director - Finance	Unclassified
20	Community / Economic Development Director	Unclassified
20	Cultural Affairs & Tourism Development Director	Unclassified
20	Fire Division Chief	Unclassified
20	Fire Marshall	Unclassified
20	Information Technology Division Director	Unclassified
20	Police Division Major	Unclassified

19	Assistant Director - Building	Unclassified
19	Assistant Director – CIP	Unclassified
19	Assistant Director - Community / Economic Development	Unclassified
19	Assistant Director - Public Works	Unclassified
19	Bass Museum Director	Unclassified
19	Ocean Rescue Division Chief	Unclassified
19	Budget Officer	Unclassified
19	Chief of Staff	Unclassified
19	City Engineer	Unclassified
19	Code Compliance Director	Unclassified
19	Community Information Manager	Unclassified
19	Executive Assistant to the Chief	Unclassified
19	Fleet Management Division Director	Unclassified
19	Internal Auditor	Unclassified
19	<u>Labor Relations Director</u>	<u>Unclassified</u>
19	Police Captain	Unclassified
19	Police Commander	Unclassified
19	Procurement Division Director	Unclassified
19	Property Management Division Director	Unclassified
19	Public Information Coordinator	Unclassified
19	Sanitation Director	Unclassified
19	Senior Assistant City Attorney	Unclassified
19	Special Assistant to the City Manager	Unclassified
19	Transportation and Concurrency Manager	Unclassified
18	Affirmative Action Officer	Unclassified
18	Application Systems Manager	Unclassified
18	Assistant Director - Neighborhood Services	Unclassified
18	Assistant Director - Parking	Unclassified
18	Assistant Director - Parks	Unclassified
18	Assistant Director – Planning	Unclassified
18	Assistant Director - Recreation	Unclassified
18	Assistant Director- Tourism and Cultural Development	Unclassified
18	Chief Accountant	Unclassified
18	Expenditure / Treasury Manager	Unclassified
18	Finance Manager	Unclassified
18	Human Resources Administrator II	Unclassified
18	Labor Relations Division Director	Unclassified
18	Redevelopment Coordinator	Unclassified
18	Revenue Manager	Unclassified
18	Senior Capital Projects Coordinator	Unclassified
18	Systems Support Manager	Unclassified
18	Technical Services Manager	Unclassified
18	Utilities Superintendent	Unclassified

17	Account Manager - Finance	Unclassified
17	Arts, Culture & Entertainment Director	Unclassified
17	Assets Manager	Unclassified
17	Assistant Director - Code Compliance	Unclassified
17	Assistant Division Director - Property Management	Unclassified
17	Assistant For Labor Relations	Unclassified
17	Assistant to the Neighborhood Services Director	Unclassified
17	Assistant Internal Auditor	Unclassified
17	Call Center / Customer Service Manager	Unclassified
17	Capital Improvement Administrator - Finance	Unclassified
17	Capital Projects Coordinator	Unclassified
17	Chief Accessibility Inspector	Unclassified
17	Chief Structural Plans Examiner	Unclassified
17	Code Compliance Division Director	Unclassified
17	Community Development and Housing Division Director	Unclassified
17	Construction Management Division Director	Unclassified
17	Cultural Affairs Program Manager	Unclassified
17	Economic Development Division Director	Unclassified
17	<u>Emergency Management Coordinator</u>	<u>Unclassified</u>
17	Employment Supervisor	Unclassified
17	Grants Manager	Unclassified
17	Historic Preservation Coordinator	Unclassified
17	Housing Manager	Unclassified
17	Manager – Finance	Unclassified
17	<u>Neighborhood Services Projects Administrator</u>	<u>Unclassified</u>
17	Office of Community Services Division Director	Unclassified
17	Organizational Development & Training Coordinator	Unclassified
17	Planning & Zoning Manager	Unclassified
17	Preservation & Design Manager	Unclassified
17	Risk Manager	Unclassified
17	Service Delivery Manager	Unclassified
17	Special Projects Coordinator	Unclassified
17	<u>Transportation Manager</u>	<u>Unclassified</u>
16	Assistant Director - Procurement Division	Unclassified
16	Assistant Director - Sanitation	Unclassified
16	Assistant City Attorney II	Unclassified
16	Assistant City Clerk	Unclassified
16	Capital Improvement Administrator	Unclassified
16	Capital Projects Administrator	Unclassified
16	<u>Chief Building Code Compliance Officer</u>	<u>Unclassified</u>
16	Chief Building Inspector	Unclassified
16	Chief Electrical Inspector	Unclassified
16	Chief Elevator Inspector	Unclassified
16	Chief Engineering Inspector	Unclassified

<u>16 Chief Fire Protection Analyst</u>	<u>Unclassified</u>
16 Chief Mechanical Inspector	Unclassified
16 Chief Plumbing Inspector	Unclassified
16 Civil Engineer III	Unclassified
16 Claims Coordinator	Unclassified
16 Community Development Coordinator	Unclassified
<u>16 Community Information Coordinator</u>	<u>Unclassified</u>
16 Community Resources Coordinator	Unclassified
16 Database Administrator	Unclassified
16 Employee Benefits Coordinator	Unclassified
16 EMS Coordinator	Unclassified
<u>16 Environmental Resources Manager</u>	<u>Unclassified</u>
<u>16 Film & Event Production Manager</u>	<u>Unclassified</u>
16 Financial Analyst III	Unclassified
16 Human Resources Administrator I	Unclassified
16 Implementation Services Manager	Unclassified
<u>16 Landscape Projects Coordinator</u>	<u>Unclassified</u>
16 Log Cabin Program Administrator	Unclassified
16 Mayor / Commissioner Aide	Unclassified
<u>16 Network Administrator</u>	<u>Unclassified</u>
16 Office of Child Development Director	Unclassified
16 Organizational Development & Training Specialist	Unclassified
<u>16 Park Facility Manager</u>	<u>Unclassified</u>
16 Parks Superintendent	Unclassified
16 Police Plans & Policies Manager	Unclassified
16 Principal Planner	Unclassified
16 Project Planner/Designer	Unclassified
16 PSCU Administrator	Unclassified
16 Public Information Officer	Unclassified
<u>16 Radio Systems Administrator</u>	<u>Unclassified</u>
16 Real Estate Economist	Unclassified
16 Senior Auditor	Unclassified
16 Senior Management Analyst	Unclassified
16 Senior Management & Budget Analyst	Unclassified
<u>16 Senior Management Consultant</u>	<u>Unclassified</u>
<u>16 Senior Network Administrator</u>	<u>Unclassified</u>
<u>16 Senior Systems Administrator</u>	<u>Unclassified</u>
16 Streets & Lighting Superintendent	Unclassified
<u>16 Traffic Engineer</u>	<u>Unclassified</u>
16 Transportation Coordinator	Unclassified
<u>16 Urban Forester</u>	<u>Unclassified</u>
16 Utility Billing Supervisor	Unclassified
<u>16 VOIP Network Administrator</u>	<u>Unclassified</u>
15 Assistant Director - Bass Museum	Unclassified
15 CDBG Projects Coordinator	Unclassified

15	Central Services Coordinator	Unclassified
15	Code Compliance Manager	Unclassified
15	Code Compliance Supervisor	Unclassified
15	Departmental ADA Coordinator	Unclassified
15	Development Coordinator	Unclassified
15	Film & Print Coordinator	Unclassified
15	Financial Analyst II	Unclassified
15	Fire Protection Analyst	Unclassified
15	Grants Writer / Researcher	Unclassified
15	Information Technology Specialist III	Unclassified
15	Inspection Services Coordinator	Unclassified
15	Media Specialist	Unclassified
15	Network Administrator	Unclassified
15	Property / Evidence Supervisor	Unclassified
15	Redevelopment Specialist	Unclassified
15	Right-of-Way Manager	Unclassified
15	Safety Officer	Unclassified
15	Senior Planner	Unclassified
15	Senior Plans Designer	Unclassified
15	Senior Capital Projects Planner	Unclassified
15	<u>Senior Systems Analyst</u>	<u>Unclassified</u>
15	<u>Senior Telecommunications Specialist</u>	<u>Unclassified</u>
15	Special Events Coordinator	Unclassified
15	Structural Engineer	Unclassified
15	<u>Systems Administrator</u>	<u>Unclassified</u>
15	Tourism & Convention Director	Unclassified
14	Assistant City Attorney I	Unclassified
14	CDBG Program Analyst	Unclassified
14	Civil Engineer II	Unclassified
14	Communications Manager	Unclassified
14	Community Development Specialist	Unclassified
14	Construction Manager	Unclassified
14	Cultural Facilities Manager	Unclassified
14	Curator	Unclassified
14	Curator of Collections	Unclassified
14	Curator of Education	Unclassified
14	Entertainment Industry Liaison	Unclassified
14	Environmental Specialist	Unclassified
14	Geographic Information System Analyst	Unclassified
14	Housing Specialist	Unclassified
14	Information Technology Specialist II	Unclassified
14	Landscape Architect	Unclassified
14	Legal Administrator	Unclassified
14	Log Cabin Education Coordinator	Unclassified
14	<u>Management Consultant</u>	<u>Unclassified</u>

14	Parking Administration Manager	Unclassified
14	Parking Operations Manager	Unclassified
14	Police Records Manager	Unclassified
14	Records Manager	Unclassified
14	Recreation Supervisor II	Unclassified
14	Sanitation Superintendent	Unclassified
<u>14</u>	<u>Senior Procurement Specialist</u>	<u>Unclassified</u>
<u>14</u>	<u>Systems Analyst</u>	<u>Unclassified</u>
<u>14</u>	<u>Telecommunications Specialist</u>	<u>Unclassified</u>
14	Social Worker	Unclassified
14	Transportation Engineer	Unclassified
14	Victims Advocate	Unclassified
13	Agenda Coordinator	Unclassified
13	Auditor	Unclassified
13	Executive Office Associate II	Unclassified
13	Financial Analyst I	Unclassified
13	Fleet Analyst	Unclassified
13	Grants Writer / Researcher	Unclassified
<u>13</u>	<u>Labor Relations Specialist</u>	<u>Unclassified</u>
13	Management & Budget Analyst	Unclassified
13	Office Manager	Unclassified
13	Human Resources Specialist	Unclassified
13	Planner	Unclassified
<u>13</u>	<u>Procurement Coordinator</u>	<u>Unclassified</u>
13	Public Art Coordinator	Unclassified
13	Public Information Specialist	Unclassified
13	Security Specialist	Unclassified
13	Special Events Liaison	Unclassified
<u>12</u>	<u>Bicycle Program Coordinator</u>	<u>Unclassified</u>
12	Building Records Supervisor	Unclassified
12	Civil Engineer I	Unclassified
12	Community Development Technician	Unclassified
12	Executive Office Associate I	Unclassified
12	Field Agent	Unclassified
12	Field Supervisor	Unclassified
12	Homeless Program Coordinator	Unclassified
12	Information Technology Specialist I	Unclassified
12	Labor Relations Technician	Unclassified
12	Legal Secretary	Unclassified
12	Police Financial Assistant	Unclassified
12	Police Public Information Officer	Unclassified
12	Police Records Supervisor	Unclassified
12	Property Management Contracts Coordinator	Unclassified
12	Registrar	Unclassified

42	Senior Procurement Specialist	Unclassified
11	Case Worker	Unclassified
11	Elder Affairs Coordinator	Unclassified
<u>11</u>	<u>Grants & Operations Administrator</u>	<u>Unclassified</u>
11	Ice Rink Manager	Unclassified
11	Log Cabin Employment Specialist / Job Coordinator	Unclassified
<u>11</u>	<u>Media Assistant</u>	<u>Unclassified</u>
11	Office Associate V	Unclassified
44	Procurement Coordinator	Unclassified
11	Sanitation Coordinator	Unclassified
<u>11</u>	<u>Truancy Prevention Program Coordinator</u>	<u>Unclassified</u>
10	Code Violations Clerk	Unclassified
10	Customer Service Liaison	Unclassified
10	Paralegal	Unclassified
<u>9</u>	<u>Case Worker II</u>	<u>Unclassified</u>
9	Office Associate IV	Unclassified
9	Field Monitor	Unclassified
8	Graffiti Removal Coordinator	Unclassified
7	Log Cabin Instructor	Unclassified
7	Office Associate III	Unclassified
7	Receptionist	Unclassified
5	Office Associate II	Unclassified
4	Log Cabin Driver / Instructor Aide	Unclassified
3	Office Associate I	Unclassified

SECTION 2: **REPEALER.**

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: **SEVERABILITY.**

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 4: **CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5: **EFFECTIVE DATE.**

This Ordinance Amendment shall become effective as of the 12TH day of January, 2006.

PASSED and ADOPTED this ____ day of _____, 2005

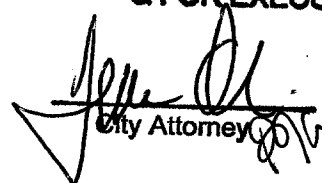
MAYOR

ATTEST:

CITY CLERK

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney 12/2/05
Date

Condensed Title:

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, Amending Division 2, Entitled "The Barrier-Free Environment Committee"; Amending Section 2-31 Entitled "Established; Purpose; Composition" by Changing the Committee's Name to "Disability Access Committee."

Key Intended Outcome Supported:

Increase community satisfaction with City services.

Issue:

Shall the Commission adopt the ordinance?


Item Summary/Recommendation:

The Barrier-Free Environment Committee believes that the vagueness of its name contributes to membership recruitment problems. Residents and business owners who might otherwise wish to be appointed to the Committee do not complete applications for appointment because they do not know what the Committee's mission is. This recruitment issue is of special importance to the Committee because it currently has two open positions and, due to the term limitation of a current member, will have a third on January 1, 2006. Also, the Committee believes that its current ambiguous name is an impediment to attracting members of the general public to its meetings. One of the Committee's functions is to serve as a forum for the local disabled community, a resource which provides invaluable input to the City. This input helps the City to formulate policies and programs of benefit to residents and visitors with disabilities. Therefore, the Administration recommends that the ordinance be adopted.

Advisory Board Recommendation:


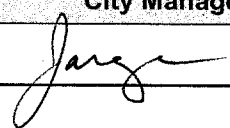
The BFEC is recommending that the ordinance be amended in order to change its name.

Financial Information:

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 50px; height: 50px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1			
	2			
	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING DIVISION 2, ENTITLED "THE BARRIER-FREE ENVIRONMENT COMMITTEE"; AMENDING SECTION 2-31 ENTITLED "ESTABLISHED; PURPOSE; COMPOSITION" BY CHANGING THE COMMITTEE'S NAME TO "DISABILITY ACCESS COMMITTEE."**

ADMINISTRATION RECOMMENDATION:

Approve the Ordinance on first reading and schedule a second reading and public hearing for the Commission Meeting on January 11, 2006.

ANALYSIS:

At its September 26, 2005 meeting, the Barrier-Free Environment Committee approved a resolution to change the Committee's name to the "Disability Access Committee." The Committee believes that its current name is too vague and general. This has resulted in negative consequences as described below.

The Committee believes that the vagueness of its name contributes to membership recruitment problems. Residents and business owners who might otherwise wish to be appointed to the Committee do not complete applications for appointment because they do not know what the Committee's mission is. This recruitment issue is of special importance to the Committee because it currently has two open positions and, due to the term limitation of a current member, will have a third on January 1, 2006. A lack of an adequate pool of candidates for appointment will likely prolong the current membership deficit. This means that the Committee will have to operate without the benefits of the knowledge and experience of a full membership.

The Committee believes that its current ambiguous name is an impediment to attracting members of the general public to its meetings. One of the Committee's functions is to serve as a forum for the local disabled community, a resource which provides invaluable input to the City. This input helps the City to formulate policies and programs of benefit to residents and visitors with disabilities. Without the benefit of this input, one of the Committee's functions cannot be fully realized.

JMG/RCM/FHB/RTH

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DIVISION 2. ~~BARRIER-FREE ENVIRONMENT~~ COMMITTEE DISABILITY ACCESS COMMITTEE

Sec. 2-31. Established; purpose; composition.

(a) *Established.* There is hereby established the ~~barrier-free environment~~ **DISABILITY ACCESS COMMITTEE**, whose purposes, power and duties, composition, membership qualification and general governing regulations are as set forth in this section.

(b) *Purpose.* The purpose of this committee is to review, formulate and coordinate information, suggestions, proposals and plans and to address complaints from the general public to provide more conveniently accessible facilities, public buildings, streets, sidewalks and programs for the persons with disabilities in the city. The committee, in the context of this transition plan, is consulted with in terms of prioritization of accessibility-related improvements to city facilities. The priorities are in terms of both the order of which facilities to modify, and also the particular improvements to each respective facility. The committee may provide accessibility-related input to the following departments: building services, recreation, culture and parks, police and code compliance.

(c) *Powers and duties.* See subsection (b) of this section.

(d) *Composition.* The ~~barrier-free environment~~ **DISABILITY ACCESS** committee shall be composed of seven voting members who shall be direct appointees by the mayor and city commissioners. A quorum shall consist of three members. Formal action of the board shall require at least three votes. Consideration shall be given, but not limited to, the following categories: persons having mobility impairment; deaf and/or hard-of-hearing persons in the community; blind and/or vision-impaired persons in the community; mental, cognitive or developmental disabilities; and the industries of tourism and convention, retail, hospitality (restaurant or hotel), and health care (or rehabilitation). The city attorney's office shall provide legal counsel.

(e) *Knowledge and experience.* All appointments shall be made on the basis of civic pride, integrity, experience and interest in the needs of persons with disabilities. Consideration shall be given but not limited to recommendations solicited by the city commission from associations to be specified by the ~~barrier-free environment~~ **DISABILITY ACCESS** committee at a later date.

(f) *Supporting department.* The supporting department of the committee is public works.

(Ord. No. 97-3086, § 2.1, 7-2-97; Ord. No. 99-3195, § 1, 7-7-99; Ord. No. 2000-3245, § 1, 5-24-00; Ord. No. 2003-3396, § 1, 2-26-03)

Secs. 2-32--2-35. Reserved.

ORDINANCE TO BE SUBMITTED

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Condensed Title:

A Resolution authorizing the vacation of the two(2) remaining alleys within Block 53 , between 16th Street and Lincoln Road, and Washington and Drexel Avenues, in favor of the adjacent property owner and developer of the 420 Lincoln Road Project, 420 Lincoln Road Development Group Inc..

Key Intended Outcome Supported:

Increase satisfaction with development and growth management across the City.

Issue:

Shall the Mayor and City Commission approve the vacation of the two (2) remaining alleys within Block 53, between 16th Street and Lincoln Road, and Washington and Drexel Avenues?

Item Summary/Recommendation:

When Pine Ridge Subdivision was platted in May 1920, there were no dedicated alleys or easements in Block 53, between Lincoln Road and 16th Street and Drexel to Washington Avenues.

In June 1940, a 20 ft. wide alley running east-west and connecting Drexel Avenue to Washington Avenue, south of Lot 4 was dedicated to the City and public as an alley.

In January 1961, The City adopted Resolution No. 10450, later amended in February 1961 by Resolution No. 10492, vacating the east 102.38 feet of the east-west 20 ft. wide alley and accepting a new dedication to the City of a north-south public alley from the 20 ft. alley south to 16th Street.

In October 2005, 420 Lincoln Road Development Group Inc., as owner of Lots 1 to 10, adjacent to the aforementioned alleyways, obtained approvals from the City's Historic Preservation Board and Board of Adjustment, respectively, to develop the 420 Lincoln Road Project, as a contemporary mixed use building with a proposed parking structure, on Lots 1 and 5 to 10. In order to construct the project, the Developer has requested that the City vacate the two(2) remaining alleys in Block 53 and has complied with the requirements set forth in the July 26, 1989 Land Use Committee Guidelines.

On October 19, 2005 The City Commission adopted Resolution # 2005-26028 setting a public hearing on December 7, 2005, for the vacation of these two (2) public alleys in block 53.

Administration has reviewed the request for vacation and recommends adopting the Resolution authorizing the Mayor and City Clerk to execute the documents to effectuate the vacation of the two (2) remaining public alleys following final review by the City Attorney's office.

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
<i>FH</i>	<i>AL</i>	<i>Jay</i>





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF THE TWO (2) REMAINING PUBLIC ALLEYS, GENERALLY LOCATED WITHIN BLOCK 53, BETWEEN 16TH STREET AND LINCOLN ROAD, AND WASHINGTON AND DREXEL AVENUES, AND CONTAINING (COLLECTIVELY) APPROXIMATELY 7,423 SQUARE FEET, IN FAVOR OF THE APPLICANT(AND DEVELOPER OF THE 420 LINCOLN ROAD PROJECT), 420 LINCOLN ROAD DEVELOPMENT GROUP, INC., A FLORIDA CORPORATION; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; PROVIDED FURTHER THAT THE CITY'S APPROVAL OF THE AFORESTATED VACATION IS SUBJECT TO AND CONTINGENT UPON 420 LINCOLN ROAD DEVELOPMENT GROUP, INC.'S SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE; AND, PROVIDED FURTHER, THAT THE VACATION OF THE ALLEYS, AS SET FORTH HEREIN, SHALL BE SUBJECT TO A RIGHT OF REVERTER THAT CAN BE EXERCISED BY THE CITY IF A FULL BUILDING PERMIT IS NOT ISSUED FOR THE PROJECT WITHIN THREE (3) YEARS OF THE CONVEYANCE OF THE ALLEYS TO THE DEVELOPER.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

When Pine Ridge Subdivision was platted in May 1920, Block 53, between Lincoln Road and 16th Street and Drexel to Washington Avenues, consisted of Lots 1 through 10, with no dedicated alleys.

In June 1940, a 20 ft. wide alley running east-west from Drexel Avenue to Washington Avenue, south of Lot 4 was dedicated to the City and public as an alley.

In January 1961, the City adopted Resolution No. 10450, later amended in February 1961 by Resolution No. 10492, vacating the east 102.38 feet of the east-west 20 ft. alley and accepting a dedication to the City of a new north-south alleyway, from the 20 ft. alley south to 16th Street, adjacent to Lots 1-3 and 5-10.

In October 2005, 420 Lincoln Road Development Group Inc. owners of Lots 1 to 10, constituting the entirety of Block 53 of Pine Ridge Subdivision, obtained the approvals from the City's Historic Preservation Board and Board of Adjustment, respectively, to develop the 420 Lincoln Road Project, as a contemporary mixed use building with a proposed parking structure, on Lots 1 and 5 to 10.

The aforementioned Boards' approval for the development of the 420 Lincoln Road Project was contingent upon the vacation and abandonment by the City of the two (2) remaining alleys within Block 53 of Pine Ridge Subdivision.

The Developer has requested the City to vacate the two(2) remaining alleys within Block 53 consisting of the portion of the 20 ft. wide east-west alley and the north-south alley running to 16th Street, as shown in the sketch attached as Exhibit "A". The Developer complied with the requirements as set forth in the July 26, 1989 Land Use Committee Guidelines and sections 82-36 to 82-40 of the City Code and requested vacation of these two remaining alleys in order to construct the 420 Lincoln Road Project.

On October 19, 2005, the City Commission adopted Resolution # 2005-26028 to set a public hearing on December 7, 2005 to hear public comments, for the vacation of the two (2) remaining public alleys, located within Block 53, between 16th Street and Lincoln Road, and Washington and Drexel Avenues, and containing approximately 7,423 square feet, in favor of the adjacent property owner and developer of the 420 Lincoln Road Project, 420 Lincoln Road development Group Inc.

The City Attorney's Office, Public Works Department and Planning Department have reviewed the vacation request and included with the Administration recommendation and proposed Resolution the conditions for vacation. Planning, Design and Historic division has prepared an analysis pursuant to Section 82-38 of the City Code. (see attached Exhibit "B")

The application was also evaluated using the criteria for a revocable permit and supported by the attached Planning Analysis written by the Planning Department. The Administration's review of the seven criteria elements for revocable permits is provided below:

- 1) That the applicants need is substantial.

Satisfied. In order to develop the proposed mixed use project, which will provide 175 parking spaces for the future New World Symphony sound Space addition, the applicant must have the alley vacated by the City.

- 2) That the applicants hold title to an abutting property.

Satisfied. The Applicant owns the entire block.

- 3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.

Satisfied. The proposed Project that comprises the alley to be vacated was unanimously approved by the Historic Preservation Board and the Board of Adjustment.

- 4) That the grant of such application will have no adverse effect on governmental/utility easements and uses on the property.

Satisfied. Any Utility relocation as a result of vacation would fall under the responsibility of the Applicant.

- 5) Alternatively:

That an unnecessary hardship exists that deprives the applicant of a reasonable use of the land, structure or building for which vacation is sought, arising out of special circumstances and conditions that exist and were not self-created and are peculiar to the land, structures or building involved and are not generally applicable to other lands, structures or buildings in the same zoning district and the grant of the application is the minimum that will allow reasonable use of the land, structures or building;

Not Satisfied. No unnecessary hardships exist.

That the grant of the vacation will enhance the neighborhood and/or community by such amenities as, for example, enhanced landscaping, improved drainage, improved lighting, and improved security.

Satisfied. If approved by the City Commission, the applicant shall file a new application for the reintroduction of the original Morris Lapidus entry and related architectural features in front of the property on Lincoln Road and such application shall include the removal or relocation of the existing "wing" structure, as well as the reintroduction of original paving. All costs associated with plans, permit review and construction of this entry and features shall be underwritten by the applicant.

- 6) That granting the vacation requested will not confer on the applicants any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

Satisfied. the vacation requested will not confer on the applicants any special privilege that is denied to other owner of land, structures or buildings subject to similar conditions.

- 7) That granting the vacation will not be injurious to the surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

Satisfied. The Property will provide the required parking for the New World Symphony, providing needed parking in downtown. The Applicant has agreed to restore the Lincoln Road entry feature from Washington Avenue.

As seen from the above mentioned analysis of the criteria for approving the vacation of the alleys, extraordinary public benefits will be gained by the additional parking spaces provided within the project area as well as the reintroduction of the original Morris Lapidus entry and related architectural features in front of the property on Lincoln Road, the latter being contingent upon City Commission approval.

RECOMMENDATION:

The City Administration following a review by the City Attorney's Office, Public Works Department and Planning Department of the vacation request, recommend the vacation of the two alleys contingent upon the following:

1. The Developer shall obtain no-objection letters and/or agreements from all utility companies franchised within the City for the vacation of the Alley and shall be solely responsible for any costs and work associated with relocation of any existing utilities.
2. The Developer shall prepare and execute all documents to effectuate the vacation of the Alleys, including quitclaim deeds, subject to final review of same by the City Attorney's Office. The Developer shall also be solely responsible for recording said documents (including deeds) effectuating the vacation of the Alleys as well as all costs associated with same.
3. Developer shall provide a recorded Covenant for maintaining a common access easement to the two buildings on that block when such properties are independently owned.
4. As further required by the Order of the City's Historic Preservation Board, dated June 2, 2005, and attached as Exhibit "C" hereto, the Developer shall file a new application for the reintroduction of the original Morris Lapidus entry and related architectural features in front of the property on Lincoln Road, and such application shall include the removal or relocation of the existing "wing" structure, as well as the reintroduction of original paving. All costs associated with plans, permit review and construction of this entry and features shall be underwritten by the Developer.

JMG/RM/FHB/FAV

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, FOLLOWING A DULY NOTICED PUBLIC HEARING TO HEAR PUBLIC COMMENT ON SAME, APPROVING AND AUTHORIZING THE VACATION OF THE TWO (2) REMAINING PUBLIC ALLEYS, GENERALLY LOCATED WITHIN BLOCK 53, BETWEEN 16TH STREET AND LINCOLN ROAD, AND WASHINGTON AND DREXEL AVENUES, AND CONTAINING (COLLECTIVELY) APPROXIMATELY 7,423 SQUARE FEET, IN FAVOR OF THE APPLICANT(AND DEVELOPER OF THE 420 LINCOLN ROAD PROJECT), 420 LINCOLN ROAD DEVELOPMENT GROUP, INC., A FLORIDA CORPORATION; WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING AND APPRAISAL REQUIREMENTS, PURSUANT TO ARTICLE II, SECTION 82-36 THROUGH 82-40 OF THE MIAMI BEACH CITY CODE, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY; PROVIDED FURTHER THAT THE CITY'S APPROVAL OF THE AFORESTATED VACATION IS SUBJECT TO AND CONTINGENT UPON 420 LINCOLN ROAD DEVELOPMENT GROUP, INC.'S SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ANY AND ALL DOCUMENTS TO EFFECTUATE THE VACATION, INCLUDING A QUITCLAIM DEED, SUBJECT TO FINAL REVIEW OF SAME BY THE CITY ATTORNEY'S OFFICE; AND, PROVIDED FURTHER, THAT THE VACATION OF THE ALLEYS, AS SET FORTH HEREIN, SHALL BE SUBJECT TO A RIGHT OF REVERTER THAT CAN BE EXERCISED BY THE CITY IF A FULL BUILDING PERMIT IS NOT ISSUED FOR THE PROJECT WITHIN THREE (3) YEARS OF THE CONVEYANCE OF THE ALLEYS TO THE DEVELOPER.

WHEREAS, when Pine Ridge Subdivision was platted in May 1920, Block 53, between Lincoln Road and 16th Street, and Drexel and Washington Avenues, consisted of Lots 1 through 10, with no dedicated alleys; and

WHEREAS, in June 1940, a twenty (20) ft. wide alley, running east-west from Drexel Avenue to Washington Avenue, south of Lot 4, was dedicated to the City as a public alley; and

WHEREAS, in January 1961, the City adopted Resolution No. 10450, later amended in February 1961 by Resolution No. 10492, vacating the east 102.38 feet of the east-west twenty (20) ft. alley, and accepting a new dedication to the City of a north-south alley, running generally from the twenty (20) ft. alley south to 16th Street, adjacent to Lots 1-3 and 5-10; and

WHEREAS, 420 Lincoln Road Development Group, Inc., a Florida corporation (the Developer), as owner of Lots 1 to 10, (constituting the entirety of Block 53 of Pine Ridge Subdivision), has obtained approvals from the City's Historic Preservation Board and Board of Adjustment, respectively, to develop the 420 Lincoln Road Project, a mixed use commercial/residential project with a proposed parking structure, on Lots 1 and Lots 5 to 10 (the Project); and

WHEREAS, the aforestated Boards' approval for the Project was contingent upon the vacation and abandonment by the City of the remaining two (2) alleys within Block 53 of Pine Ridge

Subdivision; and

WHEREAS, accordingly, the Developer has requested that the City vacate the remaining portion of the twenty (20) ft. east-west alley and the north-south alley in Block 53; the current configuration of said alleys, and the portions to be vacated, are set forth in the sketch attached and incorporated as Exhibit "A" hereto; and

WHEREAS, the Administration, through its Public Works Department, hereby represents that the Developer has complied with the application requirements and submittals in accordance with the City's Guidelines for Vacation or Abandonment of Streets or Other Rights of Way, and pursuant to Section 82-36 through 82-40 of the City Code (Ordinance No. 92-2783); and

WHEREAS, pursuant to City Code Section 82-38, a Planning Department Analysis has been prepared, and is attached as Exhibit "B" to this Resolution; and

WHEREAS, additionally, as permitted by Section 82-39 of the City Code, the Administration would recommend that the Mayor and City Commission waive, by 5/7ths vote, the competitive bidding and appraisal requirements, finding that the public interest would be served by such waiver; and

WHEREAS, as also required by Section 82-37 of the City Code, the Mayor and City Commission held a duly noticed public hearing on December 7, 2005, to hear public comment regarding the proposed vacation of the aforesaid two (2) remaining alleys in Block 53; and

WHEREAS, the Administration would recommend that the Mayor and City Commission approve the requested alley vacations, in favor of the Developer, subject to and contingent upon the Developer's satisfaction of the following conditions:

1. The Developer shall be solely responsible for obtaining no-objection letters and/or agreements from all utility companies franchised within the City for the vacation of the alleys. Said no-objection letters and/or agreements shall be submitted to the City's Public Works Director. If required by the City or a utility company, the Developer shall be solely responsible for any costs and work associated with relocation of any existing utilities.
2. The Developer shall prepare (and execute, as necessary) all documents to effectuate the vacation of the alleys, including quitclaim deeds, subject to final review of same by the Administration and City Attorney's Office. The Developer shall also be solely responsible for recording said documents (including deeds) effectuating the vacation of the alleys, as well as all costs associated with same.
3. Developer shall prepare, subject to the prior review and reasonable approval of the City's Public Works Director and the City Attorney's Office, a covenant, to be recorded and to run with the property(ies) comprising the Project, which will maintain a common access easement on the Project, providing ingress and egress between the two (2) buildings on the property, when and if such buildings are independently owned.
4. As further required by the Order of the City's Historic Preservation Board, dated June 2, 2005, and attached as Exhibit "C" hereto, the Developer shall file a new application for the reintroduction of the original Morris Lapidus entry and related architectural features in front of the property on Lincoln Road, and such application shall include the removal or relocation of the existing "wing" structure, as well as the reintroduction of original paving. All costs associated with plans, permit review and

construction of this entry and features shall be underwritten by the Developer.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission, following a duly noticed public hearing to hear public comment on same, hereby approve and authorize the vacation of the two(2)) alleys within Block 53 of Pine Ridge Subdivision, between Lincoln Road and 16th Street, and Drexel to Washington Avenues, in favor of 420 Lincoln Road Development Group, Inc., a Florida corporation, as developer of the 420 Lincoln Road Project; provided further that the City's approval of the aforestated vacations is subject to and contingent upon 420 Lincoln Road Development Group Inc.'s satisfaction of the conditions set forth in this Resolution; waiving, by 5/7ths vote, the competitive bidding and appraisal requirements, pursuant to Article II, Section 82-36 through 82-40 of the Miami Beach City Code, finding such waiver to be in the best interest of the City; authorizing the Mayor and City Clerk to execute any and all documents to effectuate the vacation of the alleys to be conveyed, subject to final review of same by the City Attorney's Office; and provided further that the vacation of the alleys, as set forth herein, shall be subject to a right of reverter that can be exercised by the City if a Full Building Permit is not issued for the Project within three (3) years of the conveyance of the alleys to the Developer .

PASSED and ADOPTED this ____ day of _____, 2005.

ATTEST:

MAYOR

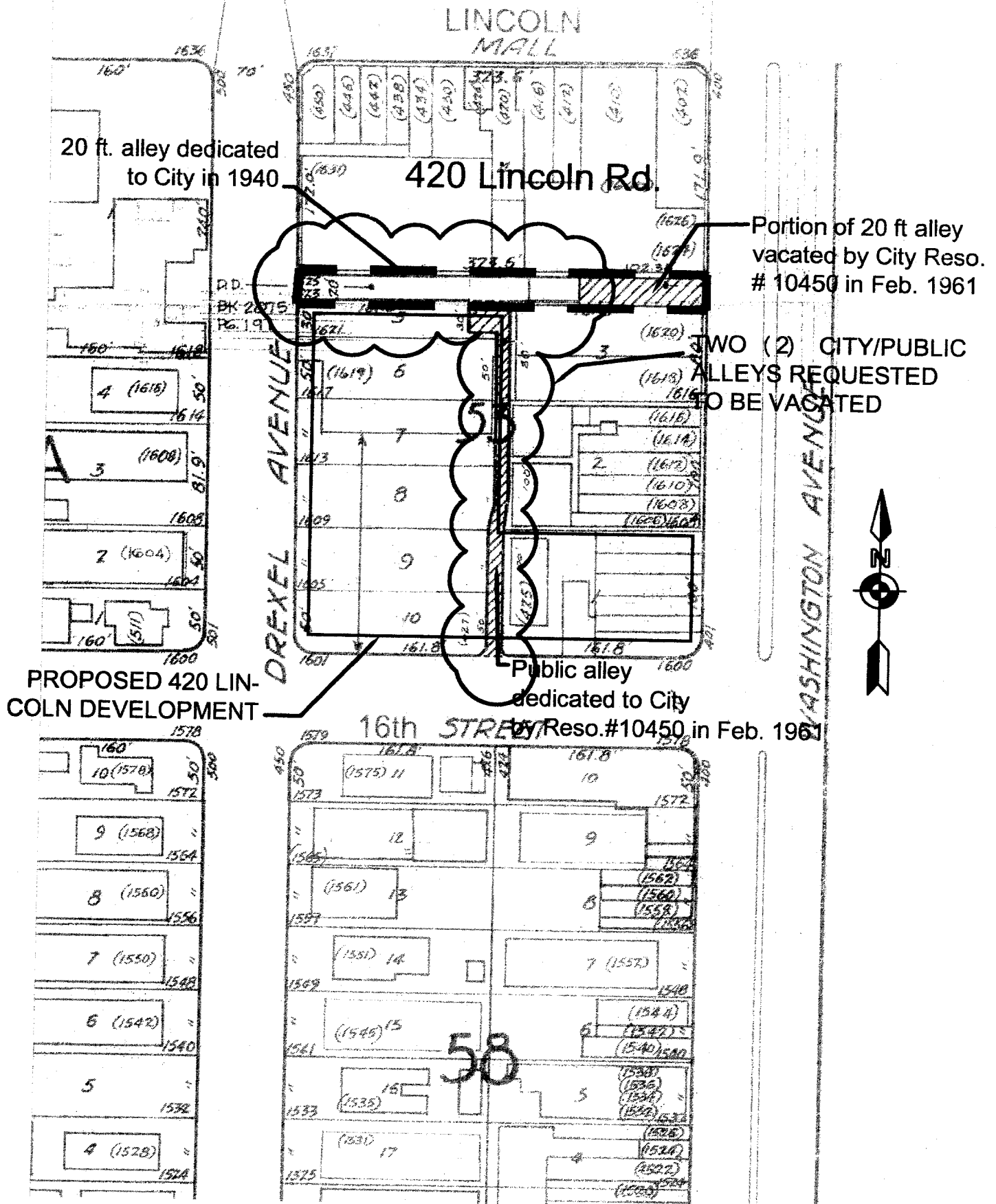
CITY CLERK

JMG/FHB/RH/FAV/ev

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney Date



Sketch of alleys requested to be vacated at 420 Lincoln Rd.
EXHIBIT "A"

CITY OF MIAMI BEACH
Planning Department
Interoffice Memorandum



To: Fernando Vazquez
City Engineer

Date: November 21, 2005

From: Richard G. Lorber, AICP *RL*
Planning & Zoning Manager

Subject: Analysis of the Proposed Pine Ridge Alley Vacation.

Pursuant to your request, this memorandum will serve as an analysis of the proposed vacation of the two (2) remaining alleys within Block 53 consisting of the portion of the 20 ft. wide east-west alley and the north-south alley running to 16th Street, associated with the 420 Lincoln Road project.

Section 82-38 of the Code of the City of Miami Beach requires that any proposed sale or lease of city-owned land be analyzed from a planning perspective so that the City Commission and the public are fully apprised of all conditions relating to the proposed sale or lease. The following is an analysis of the eight criteria delineated in Section 82-38 of the Code:

1. Whether or not the proposed use is in keeping with City goals and objectives and conforms to the City Comprehensive Plan.

The subject property, part of the 420 Lincoln Road project, is zoned CD-3 Commercial High Intensity, and designated CD-3 Commercial High Intensity on the Future Land Use Map of the City's Comprehensive Plan. The proposed project, and the proposed alleyway vacation, would be consistent with the land use designation contained in the Comprehensive Plan.

2. The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the City shall determine the potential impact of the project on City utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.

The site currently contains an office building and commercial space, and proposed mixed use project and associated alleyway vacation is not expected to have any negative impact on the surrounding area.

3. **A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the City's revenue base, reducing City costs, creating jobs, creating a significant revenue stream and improving the community's overall quality of life.**

The proposed mixed use project is designed with 175 parking spaces for the nearby New World Symphony SoundSpace addition. Thus, the proposed vacation will assist in providing needed public parking, as well as adding to the cultural amenities for the surrounding area, thereby improving the community's overall quality of life.

4. **Determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views, or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the project.**

The City's Historic Preservation Board and Board of Adjustment have recently approved the construction of the proposed mixed use project.

5. **The impact on adjacent properties, whether or not there is adequate parking, street, and infrastructure needs.**

There should be no negative impact on adjacent properties. As mentioned in 3 above, excess parking is being provided by the proposed mixed use project. Additionally, the alleyways proposed to be vacation are internal to the project, and will provide needed access for maintenance and circulation.

6. **A determination as to whether or not alternatives are available for the proposed disposition, including assembly of adjacent properties, and whether the project could be accomplished under a private-ownership assembly.**

N/A

7. **Within the constraints of public objectives, the department should examine financial issues such as job generation, providing housing opportunities, and the return to the City for its disposition of property.**

The proposed mixed-use project will provide employment and housing opportunities within our community, and the benefit of parking for the New World Symphony project will also provide job generation and ancillary spinoff benefits.

8. **Such other items as the Planning Department may deem appropriate in analysis of the proposed disposition.**

Planning Staff has not identified any further items.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

CERTIFICATION

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT
 IS A TRUE AND ACCURATE COPY OF THE ORIGINAL ON
 FILE IN THE OFFICE OF THE PLANNING DEPARTMENT.

CITY OF MIAMI BEACH
 6/2/05
 (Signature of Planning Director or Designee)
 Personally known to me or produced ID
 Notary Public, State of Florida at Large
 Printed Name: CHARLES A. TAFT
 My Commission Expires: (Seal)

MEETING DATE: May 10, 2005

FILE NO: 2881

Charles A Taft
 My Commission DD233174
 Expires July 17, 2007

PROPERTY: 420 Lincoln Road, 1601 & 1619 Drexel Avenue, 425 16th Street,
 1600 Washington Avenue – PLC Lincoln Road Loft

LEGAL: Lots 1, 6, 7, 8, 9, 10, & Lot 5 Less north 20 ft, Pine Ridge Subdivision,
 according to the Plat Thereof, as Recorded in Plat Book 6, Page 34, of the
 Public Records of Miami-Dade County, Florida.

IN RE: The Application for a Certificate of Appropriateness for the demolition of three
 (3), one, two, and three story buildings, and the construction of a new nine (9)
 story mixed use structure.

ORDER

The applicant, 420 Lincoln Road Development Group, Inc., a Florida Corporation, filed an
 application with the City of Miami Beach Planning Department for a Certificate of Appropriateness.

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT,
 based upon the evidence, information, testimony and materials presented at the public hearing and
 which are part of the record for this matter:

- A. The subject structures are located within the Flamingo Park Local Historic District. The
 structures located at 1601 and 1619 Drexel Avenue, and 1600 Washington Avenue are
 designated non-contributing in the Miami Beach Historic Properties Database. The structure
 located at 425 16th Street is designated contributing in the Miami Beach Historic Properties
 Database.
- B. Based on the plans and documents submitted with the application, testimony and
 information provided by the applicant, and the reasons set forth in the Planning Department
 Staff Report, the project as submitted is consistent with the Certificate of Appropriateness
 Criteria in Section 118-564(a)(1) of the Miami Beach Code, is not consistent with Certificate
 of Appropriateness Criteria c in Section 118-564(a)(2) of the Miami Beach Code, is not
 consistent with Certificate of Appropriateness Criteria b in Section 118-564(a)(3) of the
 Miami Beach Code, and is not consistent with Certificate of Appropriateness Criteria for
 Demolition 5, 8 and 9 in Section 118-564(f)(4).
- C. The project would be consistent with the criteria and requirements of section 118-564 if the
 following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The project shall comply with the F.A.R. requirements of the code.
 - b. A complete zoning summary shall be provided.
 - c. Architectural details shall be submitted for all exterior wall, glazing, and railing systems, subject to the review and approval of staff.
 - d. The use of high quality materials and finishes, as indicated on the plans, shall be required, in a manner to be reviewed and approved by staff.
 - e. The substantial cantilever proposed of the residential units above the retail area shall be subject to the review and approval of staff.
 - f. The final design of the art wall shall return to the Board for approval.
 - g. The existing wall mural on the Annex building facing Drexel Avenue shall be studied for possible relocation to the west façade of the Drexel Avenue former theater building.
 - h. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
 - i. The "Beach Theatre" marquee facing Lincoln Road shall be recreated and restored, in a manner to be reviewed and approved by staff.
 - j. Detailed measured drawings of the existing structures on site shall be submitted, in a manner to be reviewed and approved by staff.
 - k. If approved by the City Commission, the applicant shall file a new application for the reintroduction of the original Morris Lapidus entry and related architectural features in front of the property on Lincoln Road, and such application shall include the removal or relocation of the existing "wing" structure, as well as the reintroduction of original paving. In accordance with the voluntary proffer at the hearing on this application, the applicant shall underwrite all costs associated with plans, permit review, and construction.
2. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the

review and approval of staff. At a minimum, such plan shall incorporate the following:

- a. The Drexel Avenue streetscape plan shall conform to the Flamingo Park Neighborhood Master Streetscape Plan, currently at 60% design completion and prepared by EDAW for the City of Miami Beach (and available at the City's C.I.P. office).
- b. The maintenance of all the landscape provided on city ROW including street trees shall be the perpetual responsibility of the condominium association and shall follow the landscape maintenance standard (ANSI – A300) as established by the National Arborist Association.
- c. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, subject to the review and approval of staff, except where otherwise specified in the Flamingo Park Neighborhood Master Streetscape Plan.
- d. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
- e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
- f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
- g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
- h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.

- i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
3. All building signage shall be consistent in type, composed of flush mounted, non-plastic, non-illuminated, individual letters and shall require a separate permit.
4. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.
5. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
6. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required, prior to the issuance of a building permit.
7. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be approved by staff.
8. Revised drawings, with corresponding color photographs, that are separate from the construction documents, drawn to scale and clearly documenting the existing conditions of the subject building, shall be submitted. Such drawings and photographs shall include all four elevations and interior floor plans of the building, as well as a site plan.
9. An historic analysis of the existing structure, inclusive of a photographic and written description of the history and evolution of the original building on site, shall be submitted to and approved by staff, prior to the issuance of a Building Permit; such historic analysis shall be displayed prominently within the public area of the structure, in a location to be determined by staff.
10. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
11. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved prior to the completion of the project and the issuance of a Certificate of Occupancy.

12. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. Vacation of alley, approved by City Commission, will be required. Coordinate application with Public Works and City Attorney's Office.
 - b. Remove/replace all sidewalks, curb and gutter on Washington Avenue, 16th Street and Drexel Avenue. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray. Submit paving, drainage, sidewalks, lighting, and landscape plans for approval by Planning, Public Works, Parks, and Parking Departments. Coordinate plans, construction and schedule with proposed streetscape improvements by C.I.P.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.
 - i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 12".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
 - m. Conduct a Traffic Impact Study following methodology provided by the Public Works Department.

13. A drawn plan and written procedure for the proposed demolition shall be prepared and submitted by a Professional Structural Engineer, registered in the State of Florida, which fully ensures the protection of the public safety, as well as the protection of the existing structure on the subject site and all existing structures adjacent to the subject site during the course of demolition.
14. The Certificate of Appropriateness for Demolition shall only remain in effect for the period of time that there is an active Certificate of Appropriateness for the associated new construction on the subject property.
15. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
16. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations which were amended by the Board, that the Certificate of Appropriateness is GRANTED for the above-referenced project subject to those certain conditions specified in paragraph C of the Findings of Fact (Condition Nos. 1-16, inclusive) hereof, to which the applicant has agreed.

No building permit may be issued unless and until all conditions of approval as set forth herein have been met. The issuance of a Certificate of Appropriateness does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including zoning approval. If adequate handicapped access is not provided, this approval does not mean that such handicapped access is not required or that the Board supports an applicant's effort to seek waivers relating to handicapped accessibility requirements.

When requesting a building permit, three (3) sets of plans approved by the Board, modified in accordance with the above conditions, as well as annotated floor plans which clearly delineate the Floor Area Ratio (FAR) calculations for the project, shall be submitted to the Planning Department. If all of the above-specified conditions are satisfactorily addressed, the plans will be reviewed for building permit approval. Two (2) sets will be returned to you for submission for a building permit and one (1) set will be retained for the Historic Preservation Board's file.

If the Full Building Permit is not issued within eighteen (18) months of the meeting date at which this Certificate of Appropriateness was granted and construction does not commence and continue in accordance with the requirements of the applicable Building Code, the Certificate of Appropriateness will expire and become null and void, unless the applicant, prior to expiration of

Page 7 of 7
HPB File No. 2881
Meeting Date: May 10, 2005

such period, makes application to the Board for an extension of time; the granting of any such extension of time shall be at the discretion of the Board. At the hearing on any such application, the Board may deny or approve the request and modify the above conditions or impose additional conditions. Failure to comply with this **Order** shall subject the Certificate of Appropriateness to Section 118-564, City Code, for revocation or modification of the Certificate of Appropriateness.


Dated this 2 day of JUNE, 2005.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: [Signature]
THOMAS R. MOONEY, AICP
DESIGN AND PRESERVATION MANAGER
FOR THE CHAIR

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 2nd day of JUNE 2005 by Thomas R. Mooney, Design and Preservation Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the Corporation. He is personally known to me.

 Charles A. Taft
My Commission DD233174
Expires July 17, 2007

[Signature]
NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires: CHARLES A. TAFT

Approved As To Form:
Legal Department: [Signature] (6-1-05)

Filed with the Clerk of the Historic Preservation Board on 6/2/05 (at)

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**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY given that a Public Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 7, 2005 at 10:20 a.m.** to Hear Public Comment, As Required By The City's Guidelines For Vacation Or Abandonment Of Streets Or Other Rights-Of-Way And Pursuant To Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding A Request By 420 Lincoln Road Development Group, Inc., As The Owner And Developer Of The 420 Lincoln Road Project, For The Vacation Of The Two (2) Remaining Public Alleys, Generally Located Within Block 53, Between 16th Street And Lincoln Road, And Washington And Drexel Avenues, And Containing Approximately 7,423 Square Feet.

Inquiries may be directed to the Public Works Department at (305) 673-7080.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #342)

Condensed Title:

A Resolution approving the Miami Beach Convention Center as a venue for events involving adult materials.

Key Intended Outcome Supported:

Improve availability and accessibility of major events.

Issue:

Should the City Commission extend the approval of the Miami Beach Convention Center as a location to hold events involving adult materials?

Item Summary/Recommendation:

The provision of s. 847.0134, Florida Statutes prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school; however, municipalities may approve the location under proceedings as provided in s. 166.041 (3) (c). On January 14, 2004, the City Commission approved by Resolution No. 2004-25458 a resolution approving the location (Miami Beach Convention Center), contingent upon certain conditions, with such approval set to sunset on January 14, 2006.

The Administration recommends that the City Commission extend the approval of the Miami Beach Convention Center as a venue for adult-oriented events for an additional two years, subject to the same conditions.

Advisory Board Recommendation:

The Planning Board heard this matter at a public hearing on September 27, 2005. A motion for extending the approval for a one year period failed due to a 3-3 vote. The Convention Center Advisory Board (CCAB) was presented this item on September 27, 2005, with no discussion introduced by the CCAB. At its regular meeting of October 10, 2005, the Land Use and Development Committee approved the extension of approval for a two-year period, through January 14, 2008, and further recommended amending condition number 7 to limit hours of operation for Adult Entertainment Oriented Events between 9 a.m. and 12 a.m. (midnight). The Committee also recommended that an additional condition, prohibiting the distribution of handbills, be added to the Operating Requirements.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Max A. Sklar, Tourism and Cultural Development Director
Doug Tober, Miami Beach Convention Center Executive Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	<i>Sheldon Jernard</i>	<i>Janey</i>



MIAMI BEACH


AGENDA ITEM R7B
DATE 12-7-05



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: City Manager Jorge M. Gonzalez 
DATE: December 7, 2005

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, EXTENDING ON SECOND READING THE APPROVAL OF THE MIAMI BEACH CONVENTION CENTER AS A VENUE FOR CONVENTIONS, EXPOSITIONS OR EVENTS INVOLVING ADULT MATERIALS, PURSUANT TO THE PROVISIONS OF F.S. 847.0134.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission extend the approval of the Miami Beach Convention Center as a venue for adult-oriented events.

ANALYSIS

The provision of s. 847.0134, Florida Statutes prohibits adult entertainment establishments that display, sell, or distribute materials harmful to minors within 2,500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school; however, municipalities may approve the location under proceedings as provided in s. 166.041 (3) (c).

On January 14, 2004, the City Commission approved Resolution No. 2004-25458, a resolution approving the location (Miami Beach Convention Center) for purposes of booking public shows that meet the definition of adult entertainment, contingent upon certain booking and operating regulations as listed herein, with such approval set to sunset on January 14, 2006. This 2004 resolution was prompted by the request to present an event entitled Gay Erotica Expo at the Miami Beach Convention Center, which was held on June 5-6, 2004. No other event defined as adult entertainment has occurred since that time, and no issues arose as a result of the above event being held.

The Convention Center has received a request to book a public show that would meet the definition of an adult entertainment event. The Convention Center and Administration are requesting the extension of the resolution approving the location of the Miami Beach Convention Center as a venue for the presentation of adult entertainment events to permit the booking of this or any other show that would meet this definition. The request is to approve the location to hold such events subject to the Booking Requirements and Operating Requirements as listed below. These Booking and Operating Requirements were approved on January 14, 2004, and it is recommended that they continue to be conditions applicable to any show that meets the "adult entertainment event" definition.

Booking Requirements for Adult Entertainment Oriented Events

The following Operating Requirements for Adult Entertainment Oriented Events shall be used as operating criteria with respect to conduct for any adult entertainment oriented events to occur at the Miami Beach Convention Center:

- The requirements will be added to the Terms and Conditions of the Lease Agreement issued by the Miami Beach Convention Center (Operator) and executed by Lessee and allow the Lessee the opportunity to immediately cure and remedy any violations prior to the operator invoking its right to terminate the lease and close the show.
- The Lessee shall incorporate the Operating Requirements established herein into the exhibitor rules and regulations issued by the event organizer and shall be known by exhibitors that any violation of the requirements shall be cause for immediate expulsion from the show.
- Convention Center Management shall book events only into Hall C, located in the southwest quadrant of the facility, so as to minimize proximity to the residential areas on Washington Avenue and to Miami Beach Senior High School, with entrance to be permitted only from Convention Center Drive.
- No more than two (2) conventions, expositions or events involving adult materials per year shall be permitted.

Operating Requirements for Adult Entertainment Oriented Events

The following Operating Requirements shall be incorporated into any Lease Agreements for adult entertainment-oriented events.

1. All patrons and personnel shall be prohibited from the following: The display of less than completely and opaquely covered genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolas.
2. Sexual activities are prohibited. Sexual activities include the fondling or other erotic touching of genitals, pubic region, buttocks, anus or female breasts.
3. Lessee shall provide, at its expense, a reasonable number of event security personnel as determined by the Convention Center to provide crowd control and to monitor compliance with the terms and conditions of this Agreement.
4. Lessee shall post signs prohibiting unlawful conduct at the entrance doors of the leased exhibit space. The size, wording and placement of any and all signs to be displayed in the public lobby area are subject to the prior approval of the General Manager of the Convention Center.
5. Lessee shall be responsible for insuring that all exhibitors, attendees, Lessee staff, and any other invitees and guests of Lessee shall comply with all applicable laws with respect to activities and materials inside the leased premises.
6. No adult or obscene materials shall be visible from any public right of way.
7. The hours of operation for this type of event at the Convention Center shall be no earlier than 9 a.m. and no later than 2 a.m.
8. No one under 18 years of age shall be admitted to these types of events. This

minimum age may be increased voluntarily by event lessees if they so desire. The minimum age shall be 21 years of age if alcohol is sold at the event.

9. Lessee shall cooperate fully with representatives of the Miami Beach Police Department during the event and shall make no attempt to circumvent or undermine the law enforcement efforts of any officer patrolling the area.
10. The general public shall be permitted to bring cameras into the show as long as approved signs are posted in the exhibit area discouraging inappropriate conduct and behavior.
11. Lessee shall inform each and every exhibitor, in writing, of the Operating Requirements for participation as an exhibitor in the event and incorporate the exact language into all exhibitor agreements.
12. Prior to setting up exhibit space at the Miami Beach Convention Center, Lessee shall have each and every exhibitor execute an acknowledgement of the Operating Requirements that was included in the exhibitor agreement issued by Lessee. A copy of exhibitor agreements shall be provided to Operator by Lessee upon request.
13. Lessee shall supervise the show and exhibitor conduct at all times and be available at all times to take any and all appropriate actions to immediately remedy any violation.
14. Should any violation of the Operating Requirements occur, Lessee shall take immediate action to eject the exhibitor's personnel or any invitee or guest of an exhibitor contributing to the violation of the Operating Requirements and shall immediately close the exhibit.
15. Failure of the Lessee to take the above-stated action or attempt to prevent any violation of the Operating Requirements shall constitute a material breach of the Lease Agreement and shall be grounds for immediate termination of this contract and closure of the show.
16. Any violation of any of the terms and conditions of this Agreement or any law by the Lessee, Lessee's agents or staff, an exhibitor, any exhibitor personnel, or any invitee or guest of an exhibitor or Lessee shall constitute a material breach of this Agreement and shall be grounds for the immediate termination of this contract and closure of show. In such event, Lessee shall not be entitled to a refund of any portion of the prepaid rental fee or any other fees for incidental services (electrical, plumbing, etc.). Lessee acknowledges and agrees that the City of Miami Beach, SMG and the Miami Beach Convention Center, its officers, agents and employees shall not be responsible or liable for any injury, damage loss or expense incurred by Lessee or its exhibitors as a result of such termination or closure of the show following a breach of contract. Lessee further waives any and all claims for damages or losses against the City of Miami Beach, SMG and the Miami Beach Convention Center, its officers, agents and employees which may arise as a result of the closure of the show following a breach of this contract, and Lessee shall indemnify and hold harmless the City of Miami Beach, SMG and the Miami Beach Convention Center from any and all such claims made by Lessee's exhibitors.

The Planning Board heard this matter at a public hearing on September 27, 2005. A

motion extending the approval of the use of the Convention Center as a venue for adult-oriented events for a one-year period failed due to a 3-3 vote. This item was also presented to the Convention Center Advisory Board on September 27, with no discussion introduced by the CCAB.

On October 10, 2005, the Land Use and Development Committee approved the extension of approval of the venue for an additional two years, through January 14, 2008, and further recommended amending condition number seven (7) to limit hours of operation for Adult Entertainment Oriented Events between 9 a.m. and 12 a.m. (midnight). The committee also recommended that an additional condition, prohibiting the distribution of handbills within the City of Miami Beach, be added to the Operating Requirements.

This item was approved by a vote of 7-0 on First Reading by the City Commission at its regular meeting of October 19, 2005.


JMG/HMF/MAS/DT

T:\AGENDA\2005\Dec0705\Regular\Comm Item Adult Event Waiver 120705 Memo.doc

RESOLUTION TO BE SUBMITTED

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that a Public Hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, December 7, 2005 at 5:01 p.m.** regarding A Resolution Approving, On First Reading Public Hearing, An Extension Of The City's Approval Of The Miami Beach Convention Center As A Venue Which Would Allow Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of F.S. 847.0134.

Inquiries may be directed to the Tourism and Cultural Development at (305) 673-7577.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

**Robert E. Parcher, City Clerk
City of Miami Beach**

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

(Ad #344)

Condensed Title:

A resolution setting the dates for the year 2006 City Commission meetings.

Key Intended Outcome Supported:

Supports multiple KIO's.

Issue:

Shall the City Commission approve the 2006 Commission meeting dates?

Item Summary/Recommendation:

Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."

In preparing the Commission Meeting calendar the Administration takes into consideration events such as the Conference of Mayors, the Boat Show, Miami-Dade Days, Art Basel, August recess, July and September to set the tentative/final millage and the budget approval process, and if an election year then November for election/runoff election meetings, and finally Federal and Religious Holidays. Considering the above it is difficult to always schedule meetings on the same Wednesday of the month.

The proposed 2006 calendar calls for 11 regularly scheduled Commission meetings, 9 alternate meetings; and an additional one (1) or two (2) special budget Commission meetings will be scheduled at a later time in September.

The Administration recommends approving the resolution.

Advisory Board Recommendation:

The Neighborhood/Community Affairs Committee met on March 29, 2005 and was presented with the idea of having one Commission meeting a month and an alternate meeting schedule the following week. This would allow the City Commission to continue the meeting because of the lateness of the hour or if a particular item(s) may cause the meeting to run very late, to continue the item(s) not handled to the following Wednesday.

This new schedule of one Commission meeting a month and an alternate meeting was implemented in May 2005.

Financial Information:

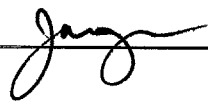
Source of Funds:	1	Amount	Account	Approved
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	3			
	4			
	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Bob Parcher, City Clerk

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

AGENDA ITEM
DATE

R7C
12-7-05




MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez 

DATE: December 7, 2005

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, SETTING THE DATES FOR THE YEAR 2006 CITY COMMISSION MEETINGS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

At the January 12, 2005 Committee of the Whole Meeting, Mayor Dermer solicited input regarding the scheduling of one City Commission meeting a month. Subsequent to Mayor Dermer's request, the Administration placed this issue on the February 23, 2005 Commission Meeting agenda to refer it to the Neighborhood/Community Affairs Committee for discussion.

The Neighborhood/Community Affairs Committee met on March 29, 2005 and was presented with the idea of having one Commission meeting a month and an alternate meeting scheduled the following week. This would allow the City Commission to continue the meeting because of the lateness of the hour or if a particular item(s) may cause the meeting to run very late, to continue the item(s) not handled to the following Wednesday. Because the same Commission agenda will be used, no Commission/Manager Agenda reviews will be required. It also allows the Mayor and Commission, and the Administration to reserve the Wednesday following a Commission meeting so that scheduling of a continued meeting, if necessary, does not result in scheduling problems.

This new schedule of one Commission meeting a month and an alternate meeting was implemented in May 2005.

ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."

In preparing the Commission Meeting calendar the Administration takes into consideration events such as the Conference of Mayors, the Boat Show, Miami-Dade Days, Art Basel, August recess, July and September to set the tentative/final millage and the budget approval process, and if an election year then November for election/runoff election meetings, and finally Federal and Religious Holidays. Considering the above it is difficult to always schedule meetings on the same Wednesday of the month.

In preparing the recommended meeting dates, the Administration set three (3) goals: **1)** schedule one (1) Commission meeting and one (1) alternate meeting a month; **2)** schedule Commission meetings on Wednesdays; and **3)** not to schedule Commission meetings during the month of August, while the City Commission is in recess.

The Administration met the goals with the following exceptions:

Exception 1: In April, due to Passover Holiday, both Commission meeting and the alternate meeting are scheduled on a Tuesday.

Exception 2: In June, due to Art Basel beginning on June 14, there is no alternate meeting scheduled.

Exception 3: In September there is no alternate meeting scheduled in anticipation for the additional meeting(s) to be scheduled for the first and/or second reading of the budget.

Note: The Miami Beach Annual Boat Show is scheduled for February 16-20 with move-in scheduled to start on February 9 and move-out scheduled on February 23, 2006, which creates significant parking and traffic challenges for the City Hall area.

It is recommended that the City Commission meetings be set as follows:

Commission Meetings

January 11 (Wednesday)
February 8 (Wednesday)
March 8 (Wednesday)
April 11 (Tuesday)
May 10 (Wednesday)
June 7 (Wednesday)
July 12 (Wednesday)
August, City Commission in recess
September 6 (Wednesday)
October 11 (Wednesday)
November 8 (Wednesday)
December 6 (Wednesday)

Alternate Meetings

January 18 (Wednesday)
February 15 (Wednesday)
March 15 (Wednesday)
April 18 (Tuesday)
May 17 (Wednesday)
July 26 (Wednesday)
October 18 (Wednesday)
November 15 (Wednesday)
December 13 (Wednesday)

The proposed 2006 calendar calls for 11 regularly scheduled Commission meetings, 9 alternate meetings; and an additional one (1) or two (2) special budget Commission meetings will be scheduled at a later time in September.

In preparing the calendar, City-designated holidays and religious holidays have been taken into consideration. Attachment "A" is a list of City of Miami Beach holidays. Attachment "B" is a list of Jewish holidays.

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the proposed City Commission meeting dates and alternate meeting dates for the year 2006.

JMG/REP/lc

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Attachment "A"

**CITY OF MIAMI BEACH
LEGAL HOLIDAYS 2005**

New Year's Day	Monday, January 2, 2006
Dr. Martin Luther King, Jr. Day	Monday, January 16, 2006
President's Day	Monday, February 20, 2006
Memorial Day	Monday, May 29, 2006
Independence Day	Tuesday, July 4, 2006
Labor Day	Monday, September 4, 2006
Veterans Day	Friday, November 10, 2006
Thanksgiving Day	Thursday, November 23, 2006
Day after Thanksgiving	Friday, November 24, 2006
Christmas	Monday, December 25, 2006

Attachment "B"

JEWISH HOLIDAYS 2005

Tenth of Shevat	February 8, 2006
Tu B'Shevat	February 13, 2006
Ta'anit Esther	March 13, 2006
Purim	March 14, 2006
Shushan Purim	March 15, 2006
Passover begins	April 12-20, 2006
Second Passover	May 12, 2006
Lag B'Omer	May 16, 2006
Shavuot	June 1-3, 2006
The 17th of Tammuz	July 12-13, 2006
Tish'a B'Av	August 2-3, 2006
Rosh Hashanah	September 22-24, 2006
Fast of Gedaliah	September 25, 2006
Yom Kippur	October 1-2, 2006
Sukkot	October 6-12, 2006
Hoshana Rabbah	October 13, 2006
Shemini Atzeret	October 14, 2006
Simchat Torah	October 15, 2006
Hanukkah	December 15-23, 2006

RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution approving the City's 2006 State Legislative Agenda

Key Intended Outcome Supported:

Supports Multiple KIOs.

Issue:

Shall the City Commission approve the recommended list of State Legislative Priorities?

Item Summary/Recommendation:

Each year, the Mayor and City Commission adopt the City's legislative priorities that will be pursued by the City's representatives in Tallahassee during the regular session of the Florida Legislature. The attached list of priorities was developed by the Administration in consultation with the City's lobbyists, and by meetings held on November 14, 2005 between the Mayor and each Commissioner and the City's lobbyists.

The recommended 2006 agenda includes legislative, funding, and administrative issues. Some of the key issues are: Beach Renourishment Funding, retaining authority to implement the wi-fi system, opposing changes to the Bert J. Harris Act that negatively impact the City, Condominium Issues, and hurricane related issues such as underground utilities and insurance.

Advisory Board Recommendation:

n/a

Financial Information:

Source of Funds:

n/a


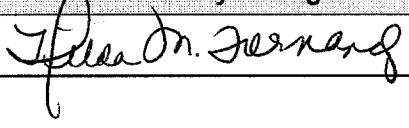
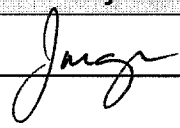
OBPI

	Amount	Account	Approved
1			
2			
3			
4			
Total			

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Kevin Crowder

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: City Manager Jorge M. Gonzalez *Jorge*
DATE: December 7, 2005
SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE CITY'S STATE LEGISLATIVE AGENDA FOR THE 2006 SESSION OF THE FLORIDA LEGISLATURE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

Each year, the Mayor and City Commission adopt the City's legislative priorities that will be pursued by the City's representatives in Tallahassee during the regular session of the Florida Legislature. The attached list of priorities (Exhibit A) was developed by the Administration in consultation with the City's lobbyists, and by meetings held on November 14, 2005 between the Mayor and each Commissioner and the City's lobbyists. Additionally, please find a report on current state legislative issues prepared by the City's lobbyists.

This year's recommended State Legislative Agenda includes issues that have appeared on prior agendas and remain priorities of the City. These issues are:

- Bert J. Harris Act
- Convention Center Sales Tax Refund
- District Cost Differential
- Resort Tax Issues
- Unification of Education Accountability Systems
- Condominium Issues / Condo Conversion Disclosure
- Insurance Issues
- Underground Utilities
- Municipal Inspection / Enforcement of the condition of utility poles/facilities

Additionally, new issues have been identified for addition to the 2006 agenda:

- Emergency Management Plans (Generator Requirements)
- Anchoring and Mooring Distance Setbacks
- Citywide Wireless Network
- Fire Safety Services in the RDA
- Economic Development Agency Sunset Review
- Florida Accessibility and Building Codes

- Municipal Employee Public Records
- Homestead / Property Tax Issues

Funding priorities that have been identified are:

- Full funding of Miami-Dade County's request for Beach Renourishment funding
- Funding of the Cultural Facilities Grant Program at a level that ensures full funding of the Colony Theater Phase III grant application
- Stormwater Infrastructure Improvements
- After School Program
- Full funding of the State Housing Initiatives Partnership (SHIP) program
- Research funding sources for creation of a mooring field and potential incentive programs for the Cirque du Soleil project.

In addition to the list of legislative and funding priorities, the Administration and the City's lobbyists continue to work with various state agencies on issues such as FDOT approval of the City's wayfinding signage program, retaining funding from FDOT for the Collins Avenue project, and working with the Public Service Commission (PSC) regarding electrical power issues.

A summary of each of these priorities is included in Exhibit A, which is included for Commission review, comment and approval.

The Administration recommends that the Mayor and City Commission review the proposed legislative package, establish the priorities and adopt the attached Resolution.

JMG:HR:kc

Attachment

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RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, APPROVING THE CITY'S
STATE LEGISLATIVE AGENDA FOR THE 2006 SESSION
OF THE FLORIDA LEGISLATURE.**

WHEREAS, the City must avail itself of all potential sources of funds; and

WHEREAS, State legislation may need to be enacted to protect and enhance the City's interests; and

WHEREAS, it is imperative that the City's legislative consultant is aware of, and has a list of, City priorities; and

WHEREAS, the City's State legislative team has met with the Mayor, City Commissioners, and the Administration relative to the City's needs and priorities with regard to the 2006 Session of the Florida Legislature; and

WHEREAS, the City's numerous State-level needs have been assessed and prioritized to produce the most effective use of its legislative team.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the recommended State Legislative Agenda for the 2006 Session of the Florida Legislature be approved, as more specifically set forth in the attached Exhibit A.

PASSED and ADOPTED this _____ day of _____, 2005.


Mayor

ATTEST:

City Clerk

T:\AGENDA\2003\DEC1003\REGULAR\STATE PRIORITIES RESO.DOC

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

11-29-05
Date

Exhibit 'A'

City of Miami Beach

Preliminary 2006 State Legislative Agenda - DRAFT

LEGISLATIVE PRIORITIES

Citywide Wireless Network

Request: *The City of Miami Beach is in the process of implementing a Citywide wireless internet network and opposes legislation that will limit or prohibit the City's ability to move forward with this project.*

Bert J. Harris Act

Request: *The City opposes legislation that weakens or removes the sovereign immunity provision in the Bert Harris Act, and further will work to support legislation that not only maintains, but strengthens the sovereign immunity provision.*

Condominium Issues

Request: *Increase the disclosure requirements and the level of detail that must be included in engineering report results for condominium conversions. Create a conduit financing mechanism for major condominium repairs.*

Insurance Issues

Request: *Create a Hurricane Recovery Trust Fund / Sales Tax Surplus to create a rate stabilization pool for Citizens.*

Emergency Management Plans

Request: *Should the City seek legislative and rule changes to expand the business types / industries that must maintain and implement updated Emergency Management Plans, specifically addressing emergency power (generators).*

Anchoring / Mooring

Request: *Establish a 100 foot setback from single family homes for anchored vessels.*

Fire Safety Services in Community Redevelopment Areas

Request: *The City supports an amendment to F.S.S. Chapter 163 that will allow for the use of Redevelopment Trust Fund monies for enhances fire safety services.*

Summary: Chapter 163, Part III, authorizes cities to create Community Redevelopment Areas, and currently authorizes the use of Redevelopment Trust Fund monies for community policing innovations. In addition to police services, fire rescue services are an integral component of the City's public safety services, and enhance public safety contributes to the successful revitalization and redevelopment of blighted areas. Therefore, the City supports legislation that will allow the Miami Beach Redevelopment Agency to expend Trust Fund monies for fire services within the City's

Convention Center Sales Tax Refund

Request: *The City supports the introduction and passage of legislation in the Florida Legislature that will return 50% of the sales taxes remitted by eligible convention centers to the municipality that owns the center for economic development purposes.*

Summary: This proposal will return 50% of the revenues remitted to the State from taxes on sales and use at the Convention Center to the City for business recruitment and retention purposes. The prior proposal was for the recruitment of high-tech, research and development, manufacturing and tourism industries. The City of Miami Beach desires that this program be eligible for the recruitment of all industries listed on the targeted industry list of the State's QTI Tax Refund Program.

Economic Development Agency Sunset Review

Request: *The City of Miami Beach supports re-enactment of the public records exemption relating to economic development agencies contained in s. 288.075, F.S.*

Summary: Pursuant to s. 288.075, F.S., upon written request of a business, the records of an economic development agency that contain information about the plans of the business to locate, relocate, or expand its activities in Florida, are confidential and exempt from public records law for a specified period of time. This public records exemption is subject to review under the Open Government Sunset Review Act, and is set to expire October 2, 2006, unless re-enacted by the Legislature.

Florida Accessibility and Building Codes

Request: *The City supports legislation that expands the exemptions for existing structures from the Florida Accessibility Code, providing alternative means of access in existing buildings. The City further supports amendments to the Florida Building Code that*

increase the amount of openings allowed on side elevations and that clarify the Code's historic waiver provisions.

Education Issues

Request: *Monitor proposed legislation.*
Summary: *The City will monitor additional education issues as they develop, such as issues related to the School Year, FCAT, etc.*

Growth Management Glitch Bill

Request: *Monitor proposed legislation.*
Summary: *Since the passage of SB 360 in 2005, DCA, DOT, and DEP have provided information on the implementation of the bill. Some questions and issues will be addressed during implementation, while others may require a legislative solution. Stakeholders have identified glitches in the bill and suggested changes. The Florida Senate's Committee on Community Affairs staff has categorized the comments and, at the committee's direction, will prepare a glitch bill to address the committee's issues for the 2006 Legislative Session.*

Municipal Employee Public Records

Request: *The City of Miami Beach supports legislation that provides a waiver from public records requirements for personal information of municipal employees who have been victims of domestic and/or other types of violence.*

Resort Tax Issues

Request: *The City supports legislation that ensures that the Resort Tax and Convention Development Tax are collected on hotel room sales that occur over the internet, and that the tax is distributed to the appropriate taxing jurisdiction.*

ADMINISTRATIVE PRIORITIES

Wayfinding Signage System

Request: *The City seeks continued support and guidance from the Florida Department of Transportation on expedited implementation of the City's wayfinding system.*
Summary: *The City is in the process of developing and implementing a citywide wayfinding signage system and has been working with FDOT on this project. A hearing on proposed signage rules is scheduled for December 8, 2005.*

Collins Avenue Project

Summary: *Work with FDOT for 2007 reimbursement rather than 2011.*

Utility Issues

Summary: *Work with the Public Service Commission to identify what upgrades are needed within FPL's Capital Improvement Plan and monitor the development of the Statewide Comprehensive Energy Plan, as directed by Executive Order 05-241. Additionally, continue to work to address Right-of-Way issues for undergrounding the utilities.*

FUNDING PRIORITIES

Stormwater Infrastructure Improvements

Request: *The City will submit a CBIR to seek funding assistance for stormwater infrastructure improvements.*
Summary: *The City has received \$400,000 for stormwater infrastructure improvement funding in each of the past two years, and seeks additional funding assistance for the City's ongoing Capital Improvement Program.*

After School Program

Request: *The City will submit a CBIR to seek funding assistance to support the City's After School Program.*
Summary: *In 2005, the City received a legislative appropriation of \$100,000 from Juvenile Justice for the After School Program, but unfortunately this item was vetoed. The City has received a \$50,000 earmark in the Federal Justice Appropriations Bill for FY2006, and seeks funding assistance from the State of Florida in the 2006/07 Budget.*

Colony Theater Cultural Facility Grant Application

Request: *Support full funding of the Cultural Facilities Grant Program to ensure that the Colony Theater Phase III grant application is fully funded.*
Summary: *The Colony Theater Restoration Project will not only restore the theater's original Lincoln Road*

façades, but will transform the theater into a fully functional performance facility.

Beach Renourishment

Request: *Fully fund beach renourishment at \$30 million and support Miami-Dade County's request for beach renourishment funding.*

Hazard and Pre-disaster Mitigation Grant Programs

Request: *Support full funding of City project in the FY 06 Hazard Mitigation Grant Program and FY 05 Pre-disaster Mitigation Grant Program.*

Summary: The City seeks funding through HMGP for storm shutters and protective glass for City buildings. A grant application has been submitted to the FY05 PDM program in the amount of \$1,220,000 and the City intends to submit another application for the FY 2006 programs for hazard mitigation. The City also seeks funding through the HMGP planning program for a Geographic Information System (\$322,464) and funds to develop and Emergency Management Plan (\$96,750). The State of Florida manages the program on behalf of the Federal government through the Florida Division of Emergency Management.

Domestic Security Program

Request: *Support full funding for City projects submitted through Miami-Dade County to the State of Florida's FY 05/06 Domestic Security Program.*

Summary: The City has submitted, through Miami-Dade County, twelve (12) different projects for State Domestic Security funding, totaling \$5,360,266. All projects support Florida's Domestic Security Strategy. Funding is provided to the States from the US Department of Homeland Security.

District Cost Differential

Request: *The City supports the reinstatement of the District Cost Differential funding formula to 2003 levels in order to compensate for a higher district cost of living and will oppose any legislation to further reduce or eliminate the formula.*

Anchoring and Mooring

Request: *Research potential funding sources for the study and establishment of a mooring field / anchorage area.*

Entertainment Industry Incentives

Request: *The City supports full funding of the Entertainment Industry Incentive Fund.*

Cirque de Soleil

Request: *The City is researching potential incentive programs that this project may qualify for.*

Summary: The City of Miami Beach wishes to explore potential assistance from the State of Florida for the conversion of the Jackie Gleason Theater into a performance venue for Cirque de Soleil.

Other Miami Beach Funding

Summary: The City will monitor funding levels for Miami Beach based organizations during the budget process. In the past, organizations and projects that provide services to the Miami Beach community have received earmarks, such as the Miami Beach Senior Center and the meals program.

ADDITIONAL ITEMS TO MONITOR

State Housing Initiatives Partnership Funding Levels
Outdoor Advertising
Red Light Photo Enforcement
Municipal Issues Identified by the Florida League of Cities
Transportation Funding

Community Redevelopment Agencies
Public Notices
Digital Imaging / Public Records
Homestead / Property Tax Issues

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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MEMORANDUM

2005 NOV 20 AM 9:46
H. DAVID PRESCOTT
HAROLD F. X. PURNELL
MARSHA E. RULE
GARY R. RUTLEDGE
MAGGIE M. SCHULTZ
GOVERNMENTAL CONSULTANTS
MARGARET A. MENDUNI
M. LANE STEPHENS

T0: Mayor David Dermer
City Commissioners and City Manager Gonzalez
City of Miami Beach

VIA: E-mail to Kevin Crowder (hard copy to follow)

FROM: Gary Rutledge
Fausto Gomez
Bob Levy
Margie Menduni
Manny Reyes
Mary Snow

DATE: November 22, 2005

SUBJECT: **Monthly Report, November 2005**

POLITICAL ISSUES

Governor Jeb Bush has called a Special Session of the Legislature to cover a Medicaid waiver and the implementation of slot machines in Broward County. The Special Session is to run from noon on Monday, December 5, to midnight on Friday, December 9, 2005. It is possible that Speaker Bense and President Lee will add topics to the call at which time we will notify City staff.

The week of November 14, the Governor traveled on a trade mission to Germany and Switzerland. In Germany, he visited Munich and Düsseldorf and in Switzerland, the City of Basel. The Governor is promoting trade, investment and business opportunities in information technology, biotechnology, health care and pharmaceuticals among others. Among the sponsors for the trip include the University of Miami School of Engineering and Express Travel of Miami.

On November 11, 2005, Governor Bush issued Executive Order 05-241, regarding the development of a Statewide Comprehensive Energy Plan. In the Executive Order, the Governor directs state agencies to continue their energy conservation efforts to reduce the demand for energy in Florida and to develop further innovative conservation initiatives. In addition, he

City of Miami Beach
Monthly Report –November 2005
Page 2

encourages the local governments to develop and implement long-term conservation initiatives. The Executive Order directs the Secretary of the Department of Environmental Protection to develop a comprehensive energy plan for the State of Florida. To assist the Secretary in this energy plan, a 2005 Florida Energy Forum will be held on December 31, 2005, in Tallahassee. Forum participants are directed to address “the diversification of Florida’s energy supplies, energy generation, transmission, distribution, conservation and energy security, as well as to discuss the barriers presented by government and potential incentives that may be offered to help Florida’s future energy needs.”

On November 15, 2005, the State’s Revenue Estimating Conference forecast an extra \$3.2 billion of tax receipts for the remainder of 2005 and 2006. \$1.7 billion was added to the revenues expected for 2005 and an additional \$1.5 billion is to be expected during 2006. The additional revenue is the result of hurricane rebuilding and the state’s housing boom. However, the estimating conference predicted that Florida’s economy will start slowing in 2006 due to higher interest rates, higher energy bills and higher inflation.

Florida’s Secretary of State Glenda Hood announced on November 2 that she plans to resign from her position, effective November 21, 2005. The former Orlando Mayor did not reveal her future plans. The Governor is expected to announce her replacement after his European trip.

LEGISLATIVE ISSUES

The Florida Legislature met for Interim Committee Meetings from November 7-10. The following reflects areas of interest during that week for the City of Miami Beach.

House Select Committee to Protect Private Property Rights

This committee met on November 8 and heard testimony from the Community Redevelopment Association, the Property Rights Coalition, the Florida Association of Counties, the Florida League of Cities and the Mayor of Hallandale Beach. Under separate cover, we have forwarded to staff, the League of Cities’ presentation. Among their suggestions was the addition of additional protection under the Community Redevelopment statutes for private property owners facing exercise of eminent domain that would result in a private-to-private transfer of property. The League recommended that if a local government has to exercise the power of eminent domain for an eventual private-to-private transfer of property, then that government should follow a procedural process and provide heightened substantive protections. Committee Chairman Marco Rubio began to draw some consensus among committee members on a number of issues that are outlined in a matrix that we have forwarded to staff. The Committee was able to discuss three of the issues and will continue on the rest during the meeting that will be held during Special Session in December.

Transportation

The Senate Committee on Transportation met on November 8, and heard a presentation by ITS Florida, *i.e.*, Intelligent Transportation Systems. This group is an official adviser to Florida's Department of Transportation. It is made up of public, private and academic transportation organizations for the purpose of sharing ideas and information. In the presentation, ITS explained to the Committee that over the next ten years, Florida will need an additional \$23 billion just to keep traffic the way it is today. The goal of ITS is to use technology and partnerships to increase the efficiency and safety of Florida's transportation system. Examples of some of the technological innovations are traffic signal controls, freeway management systems, traffic management centers, traveler information centers, transit management, incident management of electronic toll collection, electronic fare payment, electronic emergency management and commercial vehicle management. ITS is part of a national association.

The Committee also heard a presentation from the Florida Department of Transportation regarding status of funding of growth management transportation funds. The presentation stressed funding for the Strategic Intermodel System (SIS) for fiscal years 05/06 through fiscal year 10/11. The plans for funding SIS over that time period include \$3.1 billion to increase transportation mobility on a regional basis and promote additional transportation choices. The SIS work program will account for \$10 billion and the SIS growth management program will account for an additional \$3.1 billion for the total of \$13.1 billion. The breakdown of the \$13.1 billion includes the following:

- \$1.3 billion for highway mainline
- \$9 million intermodel
- \$302 million rail
- \$5 million intelligent transportation systems
- \$73 million seaport
- \$151 million aviation/spaceport
- \$324 million highway seaport connector
- \$43 million highway aviation connector
- \$14 million highway rail connector.

Government Efficiency Appropriations

The Senate Committee heard staff reports on interim projects including an interim project entitled "Sales Tax Distribution." Committee staff is recommending a rewrite of Florida's section 212.20(6)(d). This section of the statute governs the distribution by the Department of Revenue for most of the sales tax revenue collected. The distribution schedule outlined in that statute is complicated, mainly because certain sections depend upon distribution of other sections. For example, the statute reads "after the distribution under subparagraph (1) and (2)," "after the distribution under subparagraphs (1), (2) and (3)" "after the distribution under subparagraphs (1), (2), (3) and (4)", etc. The staff has recommended that none of the distribution totals remain the same but that each of the subsections stand-alone. The Committee directed staff to come back to the committee with a proposed committee bill.

The Committee also heard a presentation on the assessment of homestead property damaged or destroyed by a misfortune or calamity. The presentation of this interim project brought to the Committee's attention that the two different state property appraisers groups do not agree on how to appraise homesteads beset by calamity. Chairman Atwater directed the two groups to meet in the interim and to come back in January with an agreed upon proposal for such an assessment.

House Committee on Claims

This Committee met on November 9 and heard staff presentations regarding proposed committee bills (1) entitled Joint Legislative Claims Committee and (2) adoption of Joint Rule 8 regarding the Joint Legislative Claims Committee. They are basically proposing a joint committee with joint rules rather than separate committees in each chamber.

Hurricane Preparedness

The House Health Care General Committee and the House Domestic Security Committee met jointly on November 10 to evaluate the state's hurricane preparedness. In the first of a number of joint meetings to come, Lieutenant Governor Toni Jennings addressed the Committee and shared her experiences during the '04 and '05 hurricane season. She asked the Committee to very carefully consider not going in the direction of the state providing generators for businesses and residences. The Lieutenant Governor stressed the various functions of local government being the first responders in storm's way, the state government moving in from staging areas and the federal government moving in as directed by the state.

The Committee then heard two-panel discussions addressing sheltering and evacuation during hurricanes. The first panel consisted of state agency representatives from the Department of Health, Community Affairs, Elder Affairs, FDLE, Military Affairs and a federal representative from HHS. Craig Fugate, Director of Emergency Management with DCA, stressed the areas needing improvement to include the following three: getting the product into areas more quickly, focusing on those residents who are not able to prepare and educating citizens in personal responsibility. Members of the Committee from South Florida had lots of complaints about the slow restoration of electrical power. However, there was no one on the panel who could directly address that issue. The second panel was composed of Directors of Emergency Management from local governments, including Martin, Orange, Charlotte and Escambia Counties. Miami-Dade County was scheduled but was not present. Among the issues stressed by the local governments, included clear regional plans for evacuation, increased funding for special needs shelters, voter registration procedures for special needs citizens and clear identification of distribution centers.

Legislative Bills

The following is a list of bills for the Regular 2006 Session we have added to the Miami Beach list since our last report.

- HB 279, by Berfield, Relating to Hurricane Loss Mitigation Programs
- HB 285, by Needelman, Relating to Emergency Management Powers/Governor
- HB 301, by Quinones, Relating to Local Option Surcharge/Motor Vehicle
- HB 305, by Detert, Relating to Economic Development/Tax Credit
- HB 319, by Smith, Relating to Gasoline Stations/Power Outage Backup
- HB 339, by Brandenburg, Relating to “Sexual Predators/Residency
- HB 343, by Sobel, Relating to Services for Seniors
- HB 353, by Lopez-Cantera, Relating to Homestead Exemption Increase
- HB 259, by Reagan, Relating to Mark Wandall Traffic Safety Act
- HB 369, by Carroll, Relating to Eminent Domain/Limitation on Power
- HB 383, by Barreiro, Relating to Relief/Tuncs/Miami Beach
- SB 506, by Baker, Relating to Eminent Domain/Limitations on Power
- SB 524, by King, Jr., Relating to Eminent Domain/Limitation on Power
- SB 528, by Geller, Relating to Gasoline Stations/Backup Power
- SB 530, by Atwater, Relating to Consumer Emergency Gasoline
- SB 546, by Fasano, Relating to Homeowner’s Associations
- SB 568, by Baker, Relating to Emergency Management Powers/Governor
- SB 574, by Lynn, Relating to Eminent Domain/Limitation of Power
- SB 588, by Constantine, Relating to Construction Lien Law
- SB 590, by Posey, Relating to Emergency Management Powers/Governor
- SB 594, by Geller, Relating to Property Rights/Ineligible Aliens
- SB 596, by Geller, Relating to Tax Rate/Decrease
- SB 598, by Geller, Relating to Ad Val Tax/Just Value/Eminent Domain
- SB 604, by Geller, Relating to Sales & Use Tax Exemption Committee
- SB 606, by Geller, Relating to Tax Exemption Review Committee
- SB 612, by Siplin, Relating to Tourist Development Tax
- SB 624, by Saunders, Relating to Economic Development/Tax Credit
- SB 626, by Saunders, Relating to Eminent Domain
- SB 638, by Clary, Relating to Sheltering of Sex Offender/Predator
- SB 644, by Campbell, Relating to Sovereign Immunity
- SB 680, by Wilson, Relating to Electric Utility Transmission/Study
- SB 692, by Webster, Relating to Sales Tax/School Supplies & Clothing
- SB 702, by Alexander, Relating to FRS/County & Municipal Code Officers
- SB 780, by Klein, Relating to Property & Casualty Insurance
- SB 784, by Transportation & Economic Development Appropriations, Relating to Community Contribution Tax Credits
- SB 792, by Government Efficiency Appropriations, Relating to DOR/Returns & Accounts Info./OGSR
- SB 7024, by Government Efficiency Appropriations, Relating to Sales & Communications Services Tax

- SB 7026, by Government Efficiency Appropriations, Relating to Homestead Property
- SB 7028, by Government Efficiency Appropriations, Relating to Homestead Property.

OTHER ISSUES OF INTEREST

Insurance

There has been considerable discussion on both the state and national level regarding insurance coverage for catastrophic events. On a state level, Citizens Insurance, the state-run insurer of last resort, faces a \$950 million deficit after Hurricane Wilma. Citizens which must by law have rates higher than any other insurer in the state, has announced a 15.4% increase with an increase of 16.25% for homeowners in high risk areas in premiums. Governor Bush told the press recently that Citizens needs to be charged or perhaps, even abolished and that the Florida Legislature needs to look carefully at all aspects of Citizens, including using general tax dollars to back up Citizens instead of assessments on other companies and homeowners.

In Washington, Florida Congresswoman Ginny Brown-Waite and Congressman Clay Shaw have filed legislation to create a National Catastrophic Fund. In their proposal, state catastrophic funds would be backed by a federal fund sharing the cost between state and federal governments.

On a national level, insurance regulators from California, Florida, Illinois and New York recently asked participants at the National Catastrophic Insurance Summit to revamp the national catastrophic coverage to cover homeowners and renters from all perils except war and terrorism.

Growth Management

The Century Commission for a Sustainable Florida, which was established by the growth management bill in the 2005 session, met for the first time on November 14, 2005, in Largo, Florida. This Commission which is directed by the legislation to examine the impact of population growth in Florida over the next 25-50 years conducted an organizational meeting to discuss the scope of the Commission responsibility and the legislative intent. They also heard two presentations, the first entitled "From New South to Sunbelt: The Emergence of Florida as Mega-State" by Dr. Gary Mormino, Professor of Florida Studies at the University of South Florida, and a presentation by Dr. David Denslo, Professor of Economics at the University of Florida, entitled "Economic Trends." The Commission will meet again in January 2006. The location has not been decided.

On November 3, 2005, Governor Bush and Transportation Secretary Denver Stutler announced \$3.1 billion in growth management transportation grants to be awarded over the next five years. The following is a list of Miami-Dade projects which were included in the announcement.

Palmetto Expressway	\$17 million	2008
Central Blvd. To MIA	\$48.5 million	2010
Rail Bridge over Miami Canal	\$625,000	2006

Railroad Track in Medley	\$770,000	2006
I-75 from Broward line to SR 826	\$4 million	2007

Under separate cover, we have forwarded to staff a copy of a model ordinance for “proportionate fair share” developed by the Senate for Urban Transportation Research at the University of South Florida under a grant from the Florida Department of Transportation. The 2005 growth management legislation directed local governments to enact concurrency management ordinances by December 1, 2006, that allowed for proportionate share contribution from developers and directed the FDOT to develop a model ordinance by December 1, 2005. The proportionate fair share payment is intended as a means to address specific transportation concurrency issues such as a road segment or segments that are operating the adopted level of service standard. This allows the developer to go forward with his project under certain circumstances, even if there is a failure of transportation concurrency by contributing their proportionate fair share of the cost of improving the impact to transportation facility.

Rules

We have forwarded to staff proposed changes to Rule 1T-1.001 which makes changes to programs within the Division of Cultural Affairs.

We also forwarded to staff proposed rule changes by the Department of Community Affairs for Rule 9G-19, Base Funding for County Emergency Management and Other Emergency Grants.

Waste Management

Under separate cover, we have forwarded to staff a draft legislative bill from the staff of the Senate Environmental Protection Committee. The bill makes major changes to the Solid Waste Management Act in Florida Statute Chapter 403.

LEGISLATIVE CALENDAR

December 5 – 9, 2005	Special Session
January 9 – 13, 2006	Interim Committee Meetings
January 23 – 27, 2006	Interim Committee Meetings
February 6 – 10, 2006	Interim Committee Meetings
February 13 – 17, 2006	Interim Committee Meetings
February 20 – 24, 2006	Interim Committee Meetings
March 7, 2006	Opening Day of Regular Session
May 5, 2006	Last Day of Regular Session - (Sine Die)

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Condensed Title:

A Resolution Accepting The City Manager's Ranking Of Firms For The Wi-Fi Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Civitium; Authorize The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations By The Administration, In The Base Estimated Amount Of \$4,198,172; Options In The Estimated Amount Of \$1,496,000; And 20% Contingency; And Further Appropriate Funds In The And Further Appropriating Funds In The Amount Of \$3,240,847.20 From The Information And Communication Technology Fund. .

Key Intended Outcome Supported:

Process Improved Through Information Technology.

Issue:

Shall the City Commission Accept the City Manager's Recommendations?

Item Summary/Recommendation:

The City of Miami Beach (the "City") has established a goal to use wireless broadband technology to strengthen public safety, increase government efficiency in delivery of services, and provide a basic level of access to City residents and visitors. The City specifically plans to use wireless broadband technology to support: Public safety mobile access city-wide; Mobile access for other Miami Beach government agencies; Hot zone access for targeted commercial areas; and Recurring cost savings for internal government network use.

The Evaluation Committee unanimously agreed that WFI was the top-ranked firm and IBM was the second-ranked firm. The Committee's ranking was based on the following strengths in WFI's proposal:

- Reasonable cost proposal given the solution proposed
- Rapid deployment timeline, which is important given pending legislation at the federal level
- Benefits of Cisco solution, including location tracking to monitor locations of public safety officers and mobile government employees
- Commitment to begin network replacement/upgrades in Year 4
- Extensive engineering work presented in Proposal including visibility study and link budget analysis, viewshed analysis, signal propagation mapping, and mesh link mapping

APPROVE THE CITY MANAGER'S RECOMMENDATIONS.**Advisory Board Recommendation:**

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$5,694,172	Information & Communication Technology Fund.	
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GA	PDW	JMG

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MIAMI BEACH

AGENDA ITEM **RTE**
DATE **12-7-05**



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RANKING OF FIRMS RELATIVE TO REQUEST FOR PROPOSALS (RFP) NO. 36-04/05, FOR THE DESIGN, DEPLOYMENT, AND MANAGEMENT OF A CITYWIDE WIRELESS NETWORK (Wi-Fi); AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE TOP-RANKED FIRM OF WIRELESS FACILITIES, INC. (WFI) AND DEPLOY A 1/2 MILE PILOT NETWORK, AND SHOULD THE ADMINISTRATION NOT BE ABLE TO SUCCESSFULLY NEGOTIATE AN AGREEMENT WITH THE TOP-RANKED FIRM, AUTHORIZING THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS WITH THE SECOND-RANKED FIRM OF INTERNATIONAL BUSINESS MACHINES (IBM) CORPORATION; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT UPON COMPLETION OF SUCCESSFUL NEGOTIATIONS BY THE ADMINISTRATION, IN THE BASE ESTIMATED AMOUNT OF \$4,198,172, WHICH INCLUDES THE COST FOR THE NETWORK INFRASTRUCTURE, ARCHITECTURE AND DESIGN SERVICES, INSTALLATION, AND SIX (6) YEARS OF OPERATION, MAINTENANCE, PROJECT MANAGEMENT, SUPPORT AND WARRANTY SERVICES; OPTIONS IN THE ESTIMATED AMOUNT OF \$1,496,000; AND 20% CONTINGENCY; AND FURTHER APPROPRIATING FUNDS IN THE AMOUNT OF \$3,240,847.20 FROM THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The Information and Communication Technology Fund appropriation for Year One cost elements consists of the following: 1) \$1,228,331 for capital equipment plus a 20% contingency (\$245,666.20) for a total capital cost of \$1,473,997.20; 2) Options 1 thru 3 at a total cost of \$1,496,000; and 3) operating costs of \$270,850. The remaining Year Two thru Six costs of \$957,324.80, will be funded from Information and Communication Technology Fund future budgets.

BACKGROUND

The City of Miami Beach (the "City") has established a goal to use wireless broadband technology to strengthen public safety, increase government efficiency in delivery of services, and provide a basic level of access to City residents and visitors.

The City specifically plans to use wireless broadband technology to support:

- Public safety mobile access city-wide
- Mobile access for other Miami Beach government agencies
- Hot zone access for targeted commercial areas
- Recurring cost savings for internal government network use

The City proposes to capitalize on this potential by leading an effort to create a wireless network that will provide high-speed, broadband wireless connectivity to all points within the City.

Wireless access is rapidly changing how individuals and organizations connect to the Internet and is a transformative technology that will have multiple benefits across all segments of the economy and civil life.

The benefits of making this technology investment are broad and far reaching. First and foremost, the City should embrace this initiative if it to remain a competitive location for business, a world-class center for entertainment, and a destination for visitors. Wireless access is fast becoming the indispensable tool of the leisure or business visitors.

Today visitors are demanding access to travel information and are using mobile devices to make all types of arrangements when traveling. Visitors expect to be able to look up maps and get directions, find retail shops and read restaurant reviews while they sit at the beach, dine on Lincoln Road or drive throughout our City. Citywide wireless access will become an essential component of a successful strategy to continue to strengthen the hospitality sector of our economy.

Additionally, it is an essential investment to enhance the quality of life for our residents and to support the delivery of public services. For the past few years, we have used information technology and the Internet to transform how government business is done, how services are delivered and how the City interacts with residents, business and visitors.

Now, the City is aggressively pursuing wireless technology to improve service delivery and to reduce costs in many applications, from mobile data computers in police cars, to handheld devices that give service delivery workers an office in the field. In the near future, this wireless access, when implemented throughout the City, will permit expanded mobile applications for City employees as well as enable enhanced service delivery for applications such as wireless water meter reading and validated credit card transactions at parking pay stations.

The City has embraced this new technology and has established a goal to use wireless broadband technology to strengthen public safety, increase government efficiency in delivery of services, and provide a basic level of access to City residents and visitors through **free** hot zones.

RFP PROCESS

On April 28, 2005, the City entered into a professional services agreement for a fixed fee of \$24,300 with Civitium LLC ("Civitium"), a management and technology consulting firm focused on assisting cities in the planning, design and deployment of wireless broadband technology. Civitium was selected based on their experience in cities including Philadelphia, San Francisco, Houston, Portland, and New Haven.

Civitium's consulting services to the City included the complete requirements and scope of the RFP including the following:

- Network Infrastructure;
- Architecture and Design Services;
- Coverage Areas (% of land area covered and/or homes passed);
- Minimum Throughput for End Users;
- Installation Services;
- Telecommunications Provisioning and Services;
- Network Monitoring and Management Services;
- Network Maintenance and Upgrade Services;
- Operations Support Systems (OSS) Services;
- Customer Service and Technical Support Services;
- Software Hosting and Facilities Services;
- Program and Project Management Services;
- Proof of Concept Networks;
- Equipment Warranty;
- Staff Training;
- Cost;
- Define complete evaluation criteria with weighting system;
- Create RFP terms and conditions not included in the City's template RFP;
- Attend and support pre-RFP conference with vendors;
- Respond to vendor questions regarding requirements;
- Perform technical analysis and weighting of RFP responses with recommendations to City about vendor selection;
- Support the City throughout the RFP Administration process including supporting meetings with procurement and legal departments;
- Support the City throughout the negotiation process with vendor(s); and
- Provide general consulting throughout the process.

On July 27, 2005, the Mayor and City Commission approved the issuance of a Request for Proposals (RFP) for the Design, Deployment, and Management of the Wireless Miami Beach Broadband Network (the RFP).

The RFP was issued on July 29, 2005, with a wide vendor outreach that included but was not limited to the following notifications: 1) BidNet issuing 72 notices; 2) Internet search and e-mail notifications; 3) Mailing lists from other agencies who have initiated and/or implemented Wi-Fi projects; and 4) List of vendors provided by Civitium.

The aforementioned vendor outreach resulted in a record number of individuals and firms attending a pre-proposal submission meeting on August 9, 2005, at the Miami Beach Convention Center.

The RFP informed all prospective Proposers that the City will conduct an open, fair and competitive process which will allow the City to achieve its goals and objectives, including:

- Provide universal, robust, and secure wireless broadband throughout the City at a level sufficient to support public safety and other government use; and
- Provide free hot zones at the specified locations for public access.

The RFP informed all prospective Proposers that the City was seeking Proposals from qualified Proposers for a "turnkey solution" for a "state of the art" system, consists of a wireless network covering all 7.1 square miles, yet be simple to maintain and inexpensive to upgrade and expand to satisfy future needs for additional functionality and/or capacity. The proposed "system" must include:

- Network infrastructure procurement;
- Architecture and design services;
- Installation services;
- Telecommunications provisioning and services;
- Network monitoring and management services;
- Network maintenance and upgrade services;
- Operations Support Systems (OSS) services;
- Customer service and technical support services;
- Software hosting services; and
- Program and project management services.

All Proposals must support the following categories of service and should be flexible to accommodate new services over time.

Service Types	Definition	Examples
Secure Government Portable	Mobile access by City agency users using mobile computing devices	Public safety officers, inspectors, meter readers, surveyors, etc.
Secure Government Fixed	Fixed access for City devices in fixed locations	Parking meters, utility meters, cameras
Hot Zone Service	Free basic internet access for public access	Residents, tourists, business travelers

Proposers were required to define their solution in detail and to describe the ways in which it meets the requirements defined in the RFP. Proposers were also required to define and elaborate on any other features, functions and/or capabilities included in their Proposals, but not stated as requirements in the RFP. Network Infrastructure Requirements.

The proposed "system" must consist of a wireless network covering all 7.1 square miles of the City of Miami Beach ("the Coverage Area"). Specifically, the network must meet the following requirements.

- Support throughout the Coverage Area for wireless access from desktop PCs, laptop PCs, handheld devices, mobile phones and other manned or unmanned devices equipped with either an IEEE 802.11b or 802.11g ("Wi-Fi") wireless interface. Should the proposed solution include mechanisms (proprietary or otherwise) that mitigate any degradation of performance inherent in mixed 802.11g and 802.11b environments, Proposers were encouraged to state this in their Proposals and elaborate on these mechanisms.
- Support throughout the Coverage Area for "best-effort" service with an average net throughput per subscriber of one (1) megabit per second (Mbps) upstream (client device to network) and downstream (network to client device) transmission.
- 95% in-street (outdoor) coverage for the devices referenced above within the Coverage Area with no additional hardware required beyond the device's standard wireless interface.
- 70% in-building (indoor) coverage for residences and businesses within the Coverage Area. A residence or business is assumed covered under this requirement if a single, first or second-floor room, (e.g. adjacent to an exterior wall in the residence or business), can access the wireless network at the stated best-effort service levels. Should additional customer premise equipment ("CPEs") be required or assumed in order to deliver this in-building coverage, Proposers were expected to state this in their Proposals and elaborate on this requirement and their assumptions including their cost assumption. While coverage in rooms above a second-floor residence or business is not a requirement, the City does have many high-rise condominiums and hotels located throughout the coverage area. Therefore, Proposers were encouraged to elaborate on whether and how their proposed solution supports coverage to high-rise buildings and provide cost information for this coverage option.
- Proposers were to include the cost of providing in-building (indoor) coverage to 90% of residences and businesses including high-rise buildings located in the Coverage Area in Optional Proposal Number One. Should additional customer premise equipment ("CPEs") be required or assumed in order to deliver this in-building coverage, Proposers were expected to state this in their Proposals and elaborate on this requirement and their assumptions including cost assumption. The City does have many high-rise condominiums and hotels located throughout the Coverage Area, therefore, Proposers were encouraged to elaborate on how their proposed solution supports coverage to high-rise buildings and provide cost information for this coverage.

- Support for having certain parks, common areas and other public spaces within the City defined and managed to allow any user with a mobile device to gain free and open access to the System while in these areas.
- The City provided a list of planned hot zone locations to Proposers (see Attachment No. 1).
- Proposers were required to provide any additional infrastructure, deployment, management, software and cost increases for providing public access Citywide in Optional Proposal Number Two.
- Battery and/or solar power backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than one (1) hours in the absence of utility power.
- Proposers were required to provide cost information in Optional Proposal Number Three for longer term battery backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than ten (10) hours in the absence of utility power. If the Proposer has more than one option for extended battery life based on time (for example, 5 hours backup, 10 hour backup, and 15 hour backup), the Proposer were required to provide cost information for each option.
- Support for a mixed wireless and wired "backhaul" solution to aggregate Wi-Fi network traffic from multiple subscribers and access points back to an Internet point of presence ("PoP"). The City wants a minimum of 75% of these backhaul requirements met using a fixed, point-to-multipoint ("P2MP") wireless solution, however Proposers may propose the most appropriate, reliable and cost-effective solution (wired or wireless) for their specific Proposals.
- Support for the use of City-owned structural assets, such as street light poles and utility poles or other assets which the City may provide access to. The City will provide electronic data on a compact disc ("CD") with street pole layer coverage to Proposers that attend the Pre-Proposal Meeting. The data will not be provided in a GIS format.
- Support for pole, roof and wall mount options for wireless network equipment.
- Compliance to IP56/NEMA4 dust and water ingress ratings for all outdoor-mounted equipment. Since the City is bordered to the east by the Atlantic Ocean, salinity is a major concern. Proposers are strongly encouraged to provide detailed information regarding the anti-corrosive features of their proposed solution along with case studies from deployments in other cities in a high salinity environment.
- Support for ambient temperature ranges of 0 F to +122 F for all outdoor-mounted equipment.

- Support for all outdoor-mounted equipment to withstand wind loads up to 150 mph and consistent with any codes and/or regulations that may exist within the City of Miami Beach, with no impact to operation of the System. Since the City is located in a hurricane zone, Proposers should provide detailed information regarding their proposed solution's ability to tolerate wind load and gusts, including any information from internal tests conducted to measure wind tolerance.
- Protection against power surges, including lightning strikes, for all electrical and network connections.
- Support for the logical segmentation of the System to support different "domains" of users (e.g. secure access by government agency personnel, open access for public users, etc.). This must include the ability to define and manage different profiles for authentication, encryption and other service characteristics based on the requirements of each user domain.
- Support for having certain parks, common areas and other public spaces within the City defined and managed to allow any user with a mobile device to gain free and open access to the System while in these areas. The City will provide a list of planned hot zone locations to Proposers who attend the Pre-Proposal meeting.
- Support for seamless, in-motion usage throughout the Coverage Area by government users. This includes the ability for subscribers to maintain "session-level" persistence while the subscriber's device is in motion at speeds up to sixty (60) miles per hour. This capability must be supported with no interruption to applications running on the device.
- Sufficient capacity throughout the System to support the subscriber projections defined by the City at the service levels described above throughout the contract term. These subscriber projections are provided below for reference:

Subscribers Analysis	Estimated Subscribers (thousands)
Residential	2.7
Internal Government Use	1.0
Daily Visitors	1.1
Total Subscribers	4.8

- Scalable to support additional users, capacity, and functions throughout the contract term. Given that specific, future subscriber and/or public access applications are not defined in the RFP, it is critical for Proposers to elaborate on how their proposed solutions can scale and adapt in a modular way to increase coverage areas, users, capacity and functions.
- Support for both 32 bit (IPv4) and 128 bit (IPv6) IP Addressing, including multicast and anycast support.
- Support for the prioritization of network traffic for specific applications, users, devices, domains, etc. Should the proposed solution support more advanced mechanisms for guaranteed Quality of Service ("QoS"), Proposers are encouraged to state this in their Proposals and elaborate on these mechanisms.
- Battery and/or solar power backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than one (1) hours in the absence of utility power.
- Fault tolerance mechanisms to mitigate and/or eliminate single points of failure for all components of the System. Proposers are encouraged to elaborate on the mechanisms proposed with their solution and the ways in which they mitigate and/or eliminate single points of failure.
- Guaranteed reliability of 99.9% for the 802.11g and 802.11b tier of the System and 99.999% for the backhaul and PoP tiers of the System. Proposers are expected to state the mean time between failures ("MTBF") for any proposed network equipment or other components of the System and elaborate on the processes used to guarantee these service levels.
- Support within any proposed fixed wireless backhaul solution to also provide advanced subscriber services beyond the level(s) of service available through the Wi-Fi tier of the System.
- Support for state-of-the-art security standards. These must include:
 - Physical security for all critical network equipment and other components of the System via secured facilities.
 - Support for Media Access Control ("MAC") address filtering.
 - Support for Wired Equivalent Privacy ("WEP") encryption, including both 64 and 128 bit keys.
 - Support for Temporal Key Integrity Protocol ("TKIP") encryption.
 - Support for Advanced Encryption Standard ("AES") encryption.
 - Support for Wi-Fi Protected Access ("WPA").

- Support for 802.1x authentication using Extensible Authentication Protocol ("EAP") and "Remote Authentication Dial-In User Service" ("RADIUS").
 - Support for the suppression of Extended Service Set Identifier ("ESSID") broadcasts.
- Support for multiple ESSIDs and the ability to map ESSIDs individually to Virtual LANs ("VLANs").
 - Support for filtering of traffic based on Internet Protocol ("IP") addresses, subnets and Transmission Control Protocol ("TCP") ports.
 - Support for Virtual Private Network ("VPN") tunneling.
 - Support for encryption of all control and network management traffic transmitted within the System.
- Proposers are strongly encouraged to provide innovative solutions for powering Wi-Fi nodes with long-term batteries (charging daily) or solar panels. Proposers should outline regular maintenance, upkeep, and replacement times for any battery solutions and provide data from any relevant case studies using a solar or battery solution.
- City would like network to support the ability to define and manage unilateral, inbound roaming relationships whereby subscribers to other Wi-Fi services (e.g. T-Mobile, Sprint) may gain access to the System over time to support evolving business models and opportunities.
- City would like network to support the ability to define and manage unilateral, outbound roaming relationships whereby subscribers to the System may gain access to other approved Wi-Fi services over time to support evolving business models and opportunities.

B. Architecture and Design Services

Proposers must define in their Proposals a preliminary architecture for the System as well as the services to conduct a more thorough and detailed design for the System if selected as the winning Proposer. These services must include:

- The development of an overall architecture for the System, to include all network equipment, hardware, software and other components required to meet the requirements defined in the RFP.
- A detailed design for the network infrastructure, which takes into account the City's unique land area, geography, terrain, foliage, morphology (land use), structural mounting assets and other factors that may impact the performance, reliability or scalability of the System.
- A detailed design for how any wireless spectrum will be allocated, re-used and managed throughout the System to ensure efficiency, minimize interference and maximize capacity. The results of a citywide radio

frequency (RF) study commissioned by the City in 2005 will be made available in printed format at the Pre-Proposal Meeting.

- A detailed design for how the network equipment, hardware, software and other components proposed are to be integrated to meet the requirements defined in the RFP. The City is a "Cisco shop" and Proposers are strongly encouraged to consider this when choosing hardware (routers and switches only, not Wi-Fi or WiMAX solutions).
- A detailed description of the core business processes to be used throughout the System (e.g. call flow for customer service, billing cycles, trouble ticketing).
- A detailed plan describing how the reliability requirements and service levels defined in the RFP will be achieved.
- A detailed plan describing the tools and processes to be used for all pre-installation site acquisition, site survey, propagation modeling and other work required to determine the configuration for all infrastructure components in the System. This must include the proposed number, type, location and configuration of all network equipment and other components.
- A detailed plan describing the tools and processes to be used for all post-installation testing and verification of performance, reliability and scalability for all parts of the Coverage Area.
- A detailed description of the deliverables to be provided to the City following the post-installation testing and verification process.
- A detailed Implementation Plan, Statement of Work, Project Schedule and Milestone Payment Schedule as specified in this RFP.
- A final "as built plan" for the network infrastructure, supplied in ESRI coverage (.e00) or shapefile format. All base mapping must be accurate to 1"=200' national mapping accuracy standards.

C. Installation Services

Proposers must include in their Proposals the turnkey installation and configuration services required for the successful deployment of the System. This is to include, but not be limited to the following:

- The installation and configuration of all network components, access points, routers, bridges and other network equipment.

- Coordination with the City and any other parties required for access to any structural assets, facilities or permits required for the installation of the System.
- The ramp-up and activation of all services defined as requirements in the RFP, to include but not be limited to customer service, technical support, hosting, OSS, network management systems, processes and personnel.
- The configuration and integration of all components in the Systems to meet the requirements defined in the RFP.
- Adherence to any FCC rules or guidelines for the configuration and installation of any wireless equipment using licensed or unlicensed spectrum, with specific emphasis on Part 15 of Title 47 of the Code of Federal Regulations for unlicensed operation.
- Any tuning required throughout the contract term to meet the service level agreements ("SLAs") defined in the RFP.
- A safety plan detailing precautionary measures taken to mitigate risks during installation.

D. Telecommunications Provisioning and Services

The City is planning a fiber network to connect City buildings and other important locations. The City also receives highly competitive rates on telecommunications services and plans to fund the backhaul Internet connection separately from this RFP. However, Proposers must include in their Proposals a detailed description about network capacity estimates for aggregation points and maintenance services for any wired or wireless leased line telecommunications services needed to support their Proposal throughout the contract term. This is to include, but not be limited to the following:

- A detailed description for how capacity estimates for all aggregation points in the System was derived. This description can use either or both of the following methods:
 - Concurrent subscriber bandwidth usage for each category of service referenced in Section I and subscriber projection defined in Section I of the RFP, expressed in kilobits per second (Kbps) per subscriber.
 - Oversubscription rates for each category of service referenced in Section I and subscriber projection defined in Section I of the RFP, expressed as a ratio of subscriber bandwidth sold to net aggregation-point bandwidth available.
- Proposers should consider provisions for alternate peering points over time

E. Network Monitoring and Management Services

Proposers must include in their Proposal a turnkey solution for the monitoring and management of the System. This must include all network equipment, hardware, software, tools, personnel and other components required to meet the reliability and performance goals of the RFP.

At a minimum, Proposals should define and elaborate on how the proposed solution addresses the five ISO network management functions summarized below.

- **Performance Management** – Measures and makes available various aspects of network performance so that inter-network performance can be maintained at an acceptable level. Examples of performance variables that might be provided include, but are not limited to network throughput, user response times, and component utilization.
- **Configuration Management** – Monitor network and system configuration information so that the effect of configuration changes (intentional or unintentional) can be tracked and managed.
- **Accounting Management** – Measure network-utilization parameters so that individual or group uses on the network can be regulated appropriately. Such regulation should minimize network problems and maximize the fairness of network access across all domains and users.
- **Fault Management** – Detect, log, notify support organizations and users (where appropriate) of, and (to the extent possible) automatically fix network problems to keep the network running effectively. This should include proactive determination of symptoms, isolation of problems and rapid resolution
- **Security Management** – Control access to network and system resources according to defined policies so that the network cannot be sabotaged (intentionally or unintentionally) and those without appropriate authorization cannot access sensitive information.

In addition to supporting the five functional areas listed above, Proposals must further meet the following technical requirements:

- Support for event notifications
- Support for group management of system components
- Built-in configuration database
- Support for Simple Network Management Protocol (“SNMP”) standards
- Graphical representation of network data
- Support for configurable Access Control Lists (“ACLs”)
- Ability to drill-down on System components
- Ability to auto discover new devices in the System
- Support for wireless proxy agents for non-SNMP devices

- Support for statistical reporting
- Support for remote management and updates of remote system components from a central location
- Compatible with end point CSA client for remote users
- Compatible with City's existing network management software suites CiscoWorks Version 5.5 and SolarWinds Version 8.0. The City intends to use CiscoWorks Version 5.5 to monitor devices on the network while SolarWinds Version 8 will be used for troubleshooting purposes. The City will consider using additional network management software but compatibility with these two software programs is required.

F. Network Maintenance and Upgrade Services

Proposers must include in their Proposals a detailed plan and all costs for routine maintenance of the System. This should include any assumptions for spare inventory, upgrade cycles, capacity upgrades, or similar needs.

Proposers must also propose a solution that mitigates the risk of obsolescence in the System over time. Proposals must include a detailed plan and all associated costs for how the network will be upgraded during the contract term. Proposals must include fixed costs for replacement units. Proposers must also detail support plan and fixed price structure for installing new nodes on as-needed basis during the entire contract term to support additional capacity requirements if necessary.

The City's plan calls for a complete replacement of the network infrastructure during a period of six (6) years. This should be interpreted not as a "forklift upgrade" during Year Six, but rather a continuous process of "technology refresh" throughout the contract term.

Proposals must include a detailed plan for how and when this technology refresh process will occur during the contract term. This should be tailored to the specific technology solution proposed. Proposals must also comply with the following:

- An upgrade plan must be submitted in advance of any planned update, subject to review and approval by the City
- Minimal interruption of service can occur during these upgrades
- Backwards compatibility must be provided for existing applications, services and subscribers as upgrades occur
- Upgrade plans will consider the specific product roadmap for the equipment vendor(s) in the Proposal

G. Operations Support Systems (OSS) Services

Proposers must include in their Proposal a turnkey solution for an Operations Support System ("OSS") that integrates all customer service, technical support, provisioning, network element and network management components as seamlessly as possible. Specific requirements include, but are not limited to the following:

- The ability to support flexible service policies for time and for quality of service.
- The design, development, management and hosting of a subscriber software portal for the System. The portal must also support multi-lingual usage.
- The ability to support co-branding of the portal.
- The ability to define basic access and other value added service plans for evolving business model opportunities over time.
- The ability to perform usage tracking, customer reporting and usage policy enforcement.
- Interoperability with RADIUS-based public access points and gateways.

H. Customer Service and Technical Support Services

Proposers must include in their Proposal a turnkey solution for "tier-one" customer service and technical support via a call center or other mechanism for public access hot zones and "tier-two" customer service and technical support via a call center or other mechanism for government users. Tier-one service refers to the diagnosis and resolution of issues identified by public users at hot zone locations throughout the City. Tier-two service refers to the diagnosis and resolution of issues identified by the City's IT department help desk that provides tier-one support to government users.

The City has committed to provide tier-one customer service and technical support to government users only, meaning that the City's IT help desk will be the "first line of defense" for government subscribers on the network. Specific tier-two requirements that must be met by Proposers include:

- Issues from tier-one City IT help desk agents dealing with technical problems reported by government subscribers (technical support issues).
- A toll free 1-800 number for the City IT help desk to contact the Proposer in order to report an issue and obtain a resolution.
- Tier-two support hours are expected to be 24x7x365.
- Proactive notification to the City for network problems, outages and other issues affecting the System via e-mail and Web interface.
- The development, maintenance and hosting of a library containing electronically available frequently asked questions ("FAQ") to aid in self-support.
- A secure, managed database of City call tracking detail, resolutions, etc. This system should be fault tolerant and backed up on a regular schedule.

The system should also support secure login to private areas by the City and include a system to retain all relevant documents for a period of at least two (2) years.

- The creation and routine delivery of pre-defined and ad-hoc reports on issues, wait times, abandoned calls, resolution times and other standard customer service and technical support metrics.
- While no "warm transfer" of subscriber issues will be escalated from City agents, Proposers are expected to support "three-party calls" with the Proposer agent, City agent and subscriber to diagnose and resolve an issue. City IT Help Desk agents will be required to retain ownership of the subscriber call.
- The ability to support "total call management", referring to the diagnosis and resolution throughout the lifecycle of a subscriber or City agent issue. This must include the ability to track a call from the time the issue is reported, through any escalation to other parties, and the closed-loop resolution with the City agent.
- Proposers are encouraged to include more information and price estimates for the ability for City IT help desk agents to also report an issue and obtain a resolution via e-mail, Web based interface and interactive messaging ("chat").
- Proposers are encouraged to include more information and price estimates for a dedicated technical expert, with knowledge of all aspects of the System, available to the City on a telephone or pager basis, 24x7x365.

The general types of customer service and technical support issues that must be supported for public access hot zones are listed below. Note that this list should serve only as a guideline for defining requirements. Proposer shall provide tier-one support for hot zone technical support and shall detail escalation path with specific vendors in Response. Proposers are encouraged to elaborate in their Proposals on more detailed call types needed to meet the goals defined in the RFP.

- A toll free 1-800 number for hot zone users to contact the Proposer in order to report an issue and obtain a resolution.
- Tier-one support hours are expected to be 24x7x365.
- The development, maintenance and hosting of a library containing electronically available frequently asked questions ("FAQ") to aid in self-support.
- A secure, managed database of hot zone call tracking detail, resolutions, etc. This system should be fault tolerant and backed up on a regular schedule. The system should also support secure login to private areas by the City.

- The creation and routine delivery of pre-defined and ad-hoc reports on issues, wait times, abandoned calls, resolution times and other standard customer service and technical support metrics.
- Proposers are encouraged to include more information and price estimates for the ability for City IT help desk agents to also report an issue and obtain a resolution via e-mail, Web based interface and interactive messaging ("chat").

In addition to the requirements stated above, Proposers are encouraged to elaborate in their Proposals on the following issues:

- Estimates for SLAs for call triage, call response times, issue resolution times, and similar obligations that can be committed to by the Proposer.
- Any additional features and functions supported by their solution.
- Any preliminary call or process flows demonstrating how processes can or should be integrated between subscribers, City agents and tier-two agents from the Proposer
- Any supported integration between the proposed solution and other enterprise resource planning ("ERP"), customer relationship management ("CRM"), OSS or other back office systems
- Any additional features for knowledge management and/or other technologies that will result in improved customer service and technical support

I. Software Hosting and Facilities Services

The City will provide secure, appropriate government facilities for the software and equipment used to support the network. However, Proposers will be responsible for hosting the splash page/portal for the public access hot zones. Proposers must also include in their Proposals all costs and detail for the following facilities-related services:

- Backup and recovery tools and processes
- Proactive capacity planning
- Problem avoidance and change management tools and processes

This section must include compliance to the base requirements listed above and a definition of the methods used to ensure that capacity and availability will be adequate to support the subscriber and service projections listed in Section I.

J. Program and Project Management Services

Proposers must provide program and project management services throughout the contract term. Specifically, these services must include:

- The designation of an executive sponsor from the Proposer Company who has the authority to make key financial, legal, operational and other decisions required for compliance with the contract terms.
- The designation of a primary or single point of contact (“SPOC”) from the Proposer’s company for all business and technology-related issues.
- The delivery of routine program and project status reports to the City. These status reports must include:
 - Date of report
 - Summary of program and/or project status
 - Items completed during last reporting period
 - Items planned for next reporting period
 - Issues and risks identified
 - Mitigating factors for issues and risks identified
 - Project schedule, timeline, tasks, owners
 - SLA compliance status for prior reporting period
 - Other issues as deemed appropriate or required by the City
- The designation of an issue escalation path, which is to include the names and contact information of personnel from the SPOC to the executive sponsor, the types of issues requiring escalation, timeframes, and other parameters

K. Maintenance and Support Services

The Proposal must include a section describing the maintenance and support services to be provided under the contract resulting from the RFP. A minimum of one (1) year of maintenance/support services, commencing on final acceptance of the System and project by the City, must be included in the fixed price cost proposal, with the price identified in a separate line item. The City expects that maintenance and support will be furnished on a “turnkey” basis – i.e. the successful Proposer will itself be contractually responsible for all maintenance and support services for all elements of the System, including but not limited to all equipment and software and any data transport services that are required under the contract, and will be the single point of contact for service and support. Proposers are requested to price five (5) additional years of maintenance and support, with the price for each of Year Two through Year Six identified in separate line items. The City expects that the successful Proposer will guarantee the availability of maintenance and support services for the System, on the foregoing “turnkey” basis, for a minimum of six (6) years from final acceptance of the System. Proposals must include a description of the proposed services, stating whether the Proposer will comply with the foregoing terms, and describing the Proposers problem resolution procedures – including problem severity classifications, response times and “fix” times for each level of severity, and the escalation procedures (including on-site service) that will apply where resolution is not immediately achieved.

L. Warranty

The City requires a warranty from the successful Proposer that covers the entire Wireless Miami Beach System and all work that is provided by the successful Proposer under the contract resulting from this RFP, including, without limitation: all software, equipment, cabling, and other deliverables; network design and other designs and studies furnished and/or used in the implementation of the System; and implementation/integration services, construction services, and any other services required under the contract resulting from the RFP. The warranty will guarantee that the System will conform to the contract statement of work and to all technical specifications, performance standards, and designs for the System that are incorporated in the contract and/or furnished as deliverable under the contract. The warranty must be on a "turnkey" basis – i.e. the successful Proposer must itself be contractually responsible for all warranty obligations and must be the single point of contact for service under the warranty. The City expects a warranty period of at least two (2) years, commencing on final acceptance of the System by the City. The price of such a two-year warranty must be included in the fixed price cost proposal, with the price identified in a separate line item. The City requests that Proposers price four (4) additional warranty years beyond the two-year warranty in separate line items of the cost proposal. Any premium charged for a warranty year – i.e. any charge in addition to the price for a concurrent year's maintenance and support services – should be identified in the cost proposal.

M. Training

The City requires that the following training services be provided by Proposer:

- Proposals must provide for a minimum of two (2) weeks of informal training on the design and operation of the overall System for a minimum of four (4) City-designated persons prior to the activation of the network.
- Proposals must provide for a minimum of one (1) week of updated informal training on the design and operation of the overall System for a minimum of four (4) City-designated persons on an annual basis during the contract term.
- Proposals must set forth in detail any limitations with respect to the persons who may train on any equipment or software furnished by the successful Proposer, together with available training sources other than Contractor, if such services are otherwise available. If, for any equipment or software, such training is generally available without certification or if more than 20 vendors are certified to provide such training, a statement providing such information shall be sufficient for compliance with this requirement as to the specific equipment or software covered.
- Proposals must provide per course costs for additional training from Contractor for both the initial contract year and for the five successive contract years.

Proposals should describe, and in the Cost Proposal provide line item costs for, the training that the Proposer is capable of providing, the training methodologies and materials to be used, and the Proposer's experience in furnishing the kinds of training requested. Proposals should state clearly, in the Requirements Compliance Certification, whether each type of training requested will be offered in accordance with the requirements of this section.

EVALUATION PROCESS

The City Manager via Letter to Commission (LTC) No. 264-2005, appointed the following individuals to serve on the Evaluation Committee (the "Committee"):

Gladys Acosta, Acting Information Technology Director
Phillip Cousins, Miami Beach Resident
Larry Herrup, CPA, Miami Beach Resident
Terry Jonas, Miami Beach Resident, Systems Analyst
Nelson Martinez, Systems Support Manager
Mark Needle, Miami Beach Resident, Co-Chair of Technology Access Coalition
Patricia Schneider, Assistant Police Chief

On November 8, 2005, the Committee convened and was provided with information relative to the following:

1. Project Overview: Patricia D. Walker, Chief Financial Officer, provided the Committee with the project overview and the goals and objectives of the City's Wi-Fi project.
2. Evaluation Criteria: Gus Lopez, Procurement Director, discussed the following evaluation criteria, which was used to evaluate and rank each Proposal:

Criteria

Weight

Soundness & Quality of proposed technical proposal

25

Project understanding and soundness of proposed project methodology, including but not limited to the detail and accuracy of the proposed scope and statement of work and implementation plan and the impact of the proposed solution on the operations of the City, and the demonstrated ability of the solution to enhance operational efficiency and effectiveness.

Proposer's financial and technical qualifications

15

The Proposer's financial and technical qualifications to perform the work required by the RFP, as presented in its Proposal and determined by any other investigations conducted or information obtained by the City;

References 10

References provided by the Proposer, particularly from projects of similar complexity and scope; and demonstrated ability to provide technical solutions comparable to those requested in this RFP;

Pilot Network Plan 10

Commitment and ability to complete the project within the time frame specified in the Proposal;

Cost 20

The Cost Proposal, including long-term cost of any license fees, recurring maintenance and support costs, and other fees; and

Quality of Network Maintenance Proposal 20

The performance, reliability and scalability of the proposed System, as evaluated during a proof of concept as defined in Section II of this RFP.

Total: 100%

The Committee was provided with a presentation from Civitium, which included an analysis of the Proposals.

Civitium's used the following methodology to first understand each technical proposal and second to compare proposals:

- ☐ Review RFP responses for initial compliance
- ☐ Review technical and cost proposals
- ☐ Network architecture
- ☐ Team
- ☐ Spectrum
- ☐ Oversubscription
- ☐ Timeline
- ☐ Cost
- ☐ Compare network architecture and cost proposals

Before analyzing the responses individually, Civitium believes that a robust, metro-scale network should include the following characteristics:

- ☐ Nodes per square mile - 20 to 30
- ☐ Ratio of gateway nodes to mesh nodes - 4:1 depending on solution

- ☐ Number of wireless backhaul (pre-WiMAX) - 4 backhaul locations
- ☐ Realistic and rapid timeline for deployment

In addition to this document, Civitium delivered a PowerPoint presentation on the technical analysis and an Excel spreadsheet summarizing the financial proposals of each RFP response. The Committee asked Civitium questions relative to the technical soundness of each proposal and cost proposals. After thorough discussion and deliberation, the Committee ranked and scored the Proposers as follows:

	Patricia Schneider	Mark Needle	Phillip Cousins	Nelson Martinez	Gladys Acosta	Terry Jonas	Larry Herrup
HP	80 (3)	69 (4)	78 (3)	58 (4)	70 (3)	60 (4)	60 (3)
IBM	83 (2)	76 (3)	85 (2)	85 (2)	85 (2)	85 (2)	65 (2)
Metro Fi	80 (3)	60 (6)	58 (5)	70 (3)	50 (5)	45 (5)	60 (3)
Motorola	73 (5)	78 (2)	61 (4)	49 (6)	46 (6)	80 (3)	53 (6)
Progress Telecom	50 (8)	43 (8)	53 (6)	35 (8)	38 (8)	40 (7)	40 (8)
Sky Tel	55 (7)	50 (7)	50 (7)	39 (7)	40 (7)	45 (5)	45 (7)
Sprint	63 (6)	69 (4)	45 (8)	54 (5)	61 (4)	40 (7)	59 (5)
WFI	100 (1)	88 (1)	95 (1)	90 (1)	97 (1)	90 (1)	100 (1)

EVALUATION COMMITTEE'S RECOMMENDATION

The Committee unanimously agreed that WFI was the top-ranked firm and IBM was the second-ranked firm. The Committee's ranking was based on the following strengths in WFI's proposal:

- Reasonable cost proposal given the solution proposed
- Rapid deployment timeline, which is important given pending legislation at the federal level
- Benefits of Cisco solution, including location tracking to monitor locations of public safety officers and mobile government employees
- Commitment to begin network replacement/upgrades in Year 4
- Extensive engineering work presented in Proposal including visibility study and link budget analysis, viewshed analysis, signal propagation mapping, and mesh link mapping

CIVITIUM'S ANALYSIS OF WFI'S PROPOSED SYSTEM

1. Technology

WFI has proposed the following technology solutions for the City:

- ☐ Cisco 1500 Wireless Mesh Radios
- ☐ Alvarion BreezeAccess VL 5.3 GHz & 5.8 GHz point-to-multipoint backhaul solutions
- ☐ Potential 18 GHz or 11GHz licensed point-to-point microwave backhaul

2. Team

WFI has partnered with Airpath to provide the OSS system

3. Network Architecture

WFI has proposed the following network architecture:

- ☐ 164 Cisco Poletop Radios
- ☐ 23 poletop radios per square mile
- ☐ 35 gateway nodes to provide backhaul for the mesh nodes .
- ☐ 1 gateway node for every 4 poletop mesh radios
- ☐ 3 Alvarion backhaul locations
- ☐ 1 leased line or fiber link to Internet at 100 Mbps

The Cisco mesh solution is a new product offering and has only been deployed and/or testing in a couple of communities and campus settings. Civitium recommends that the City require a pilot should the Cisco solution be down-listed by the evaluation committee.

4. Spectrum

WFI proposes using the following spectrum bands:

- ☐ 2.4 GHz unlicensed spectrum to support the Cisco poletop nodes that provide connectivity to end users
- ☐ 5.3 GHz and 5.8 GHz unlicensed spectrum to provide connectivity between gateway nodes and Alvarion base stations
- ☐ 18 GHz or 11 GHz licensed spectrum for microwave point-to-point backhaul connections if necessary due to RF environment

5. Oversubscription

WFI projects 57:1 oversubscription at the access point level.

6. Timeline

WFI estimates five months from contract signing to final system acceptance. Currently, they project completion to occur on March 31, 2006. The timeline includes the full

project implementation administration and planning stages to begin on January 23, 2006.

WFI's timeline is the shortest, but it assumes short times to complete tasks that have many dependencies including site acquisitions.

7. Cost

WFI's cost proposal lists first year expenditures at \$1,499,181 with a total six-year investment of \$4,198,172. See attached WFI cost entitled "Appendix B Cost Proposal".

Civitium views this cost proposal as reasonable based on the technical proposal.

CIVITIUM'S ANALYSIS OF IBM'S PROPOSED SYSTEM

1. Technology

IBM has proposed the following technology solutions for the City:

- ☐ Tropos 5110/5210 802.11b/g Wi-Fi mesh solution - The proposal indicates that IBM will use 5110s on page 52 but later indicates that IBM will use 5210s on page 58. Proposer should clarify if down-selected.
- ☐ Alvarion BreezeAccess VL 5.8 GHz backhaul connectivity

2. Team

IBM has assembled a team that includes BIG Wireless to oversee wireless network deployment, BellSouth to provide telecommunications services, and AirPath to provide the OSS solution.

3. Network Architecture

IBM has proposed a network comprised of:

- ☐ 245 total Tropos nodes including 49 gateway nodes
- ☐ 33 nodes per square mile
- ☐ 1 gateway node for every 4 mesh nodes
- ☐ 4 Alvarion BreezeNET B14 Point-to-Point base station locations to aggregate Wi-Fi traffic. Each BreezeNET base station will provide backhaul to approximately 12 gateway nodes and 49 mesh nodes.
- ☐ BellSouth to provide four wired connection points at Alvarion base stations

Civitium believes that the network architecture proposed by IBM would be sufficient to meet the City's requirements as outlined in the RFP.

4. Spectrum

IBM proposes using the following spectrum:

- ☐ 2.4 GHz unlicensed spectrum to support the Tropos Wi-Fi mesh nodes that provide connectivity to public access hot zones
- ☐ 5.8 GHz unlicensed spectrum to support the Alvarion BreezeAccess VL pre WiMAX solutions used to provide connectivity to public access hot zones
- ☐ Potential 5.3 GHz unlicensed spectrum usage to support Alvarion BreezeAccess VL pre-WiMAX solution to provide connectivity in certain public access hot zones and beach area on eastern side of the City

5. Oversubscription

IBM's network design assumes the following about network demand and oversubscription:

- ☐ Over five years, the total number of users will be 22,000 with an average 1 MB of bandwidth required per user
- ☐ The oversubscription rate for government users will be 11.5:1 on the entire backbone infrastructure
- ☐ The oversubscription rate for all users will be 129:1 on the entire backbone infrastructure.

6. Timeline

IBM estimates nearly eight months from contract signing to final system acceptance. Currently, they project kickoff to occur on January 23, 2006 and project completion to occur on September 27, 2006.

7. Cost

IBM's cost proposal lists first year expenditures at \$2,746,700 with a total six year investment of \$5,517,000. This tabulation does not include annual telecommunications costs as IBM recommends the City procure necessary circuits from BellSouth for more favorable terms.

Civitium views this cost proposal as reasonable.

WFI's References:

The following references were secured on WFI:

- | | |
|--------------------|--|
| 1. Reference Name: | Clearwire |
| Project Title: | For the Design, Deployment and Management of a Citywide Wireless Network |
| Dollar Amount: | N/A |

- Overall Comments: *"I have found WFI to be responsive and competent on projects and their work quality". - John Storch*
2. Reference Name: Sprint PCS
Project Title: For the Design, Deployment and Management of a Citywide Wireless Network
Dollar Amount: 20 Million
Overall Comments: *"Satisfactory services" - Fazal Bacchus*
3. Reference Name: Cingular
Project Title: For the Design, Deployment and Management of a Citywide Wireless Network
Dollar Amount: 2 Million
Overall Comments: *"Satisfactory. Worked with them at AT&T before they (AT&T) were bought out by Cingular" - Mike Hiennigan*

The afore mentioned references all indicated that WFI met the following performance requirements:

- Met all budget requirements for their project.
- Met all deadlines and milestone submittals.
- Staff and principles were accessible at all time.
- Responsive to their demands and suggestions.
- Performed good quality work.
- Did not provide any change order as a direct fault of theirs.
- Did not have any liquidated damage been imposed as it relates to their performance.
- Would provide or award WFI with another project for their agency/company.

Analysis of WFI's Cost Proposal

WFI's proposal consists of the following cost elements (all subject to negotiations), network infrastructure refresh that is inclusive of all products and services, and economic benefits of City WiFi *cost savings* to the City:

1. **Capital costs** totaling \$1,228,331 for the following:
 - a. Network Infrastructure Procurement -- \$882,606;
 - b. Architecture & Design Services -- \$77,317;
 - c. Installation Services -- \$84,663;
 - d. Telecommunications Provisioning & Services -- \$38,656;
 - e. Network Middleware Services -- \$68,678; and
 - f. Program & Project Management Services -- \$56,411.
2. The Administration is requesting a **20% contingency** on the aforementioned Capital Equipment cost for a total of \$246,666.20.
3. **Operating costs** totaling \$270,850 for year 1 and the following costs for years 2 through 6:
 - a. Telecommunications Provisioning & Services in years 2 through 6 -- \$407,312. This cost includes a "Technology Refresh" for the Point to Point (PTP) equipment at Year 4.

- b. Network Monitoring & Management Services in years 2 through 6 -- \$870,000. This cost also includes pricing for Network Maintenance.
 - c. Network Maintenance & Upgrade Services in years 4 through 6 -- \$1,044,585. This cost represents a replacement of the network infrastructure ("Technology Refresh"), at the current pricing, starting in year 4, and is inclusive of all products and services.
 - d. Operations Support Systems in years 1 through 6 -- \$197,600. This cost is for Cisco Subscriber equipment and Server solution required to support the subscriber based.
 - e. Software Hosting Services in years 1 through 6 is at no cost. This includes the fees to support the number of residential and visitor subscribers included in the RFP.
 - f. Program & Project Management Services in year 1 cost -- \$56,411. There are no costs for years 2 through 6.
 - g. Warranty Services in years 2 through 6 -- \$291,500. Warranty prices are included as part of the Network Infrastructure Procurement price of the equipment for year 1.
4. **Economic Benefits of City-owned WiFi Network.** Currently the City uses City card services for wireless or mobile applications. These services are provided by third party vendors at a fixed monthly cost per device. Using a City-owned WiFi network, the City will be able to add additional wireless applications without increasing the annual operating and maintenance cost for the WiFi network.

CITY MANAGER'S REVIEW

The City Manager exercised his due diligence and reviewed the Committee's ranking and the top two-ranked Proposers: 1) WFI and 2) IBM. Although the RFP provides for the City Manager to select up to three (3) Proposers to pilot a network, time is of the essence as a result of existing state regulation and pending federal legislation.

In Florida, SB 1322 was signed into law by Governor Bush earlier this year. The new law does not preclude a municipality from deploying a wireless broadband network, but its requirements do add burden and increase the time and resources necessary to deploy a network, requiring two public hearings, notification of the Florida Department of Revenue, and the completion of a study to estimate users and evaluate existing service offerings. Since the bill's regulations do not apply if the network is used for internal purposes or if the broadband service is provided to the public for free, the City's wireless initiative does not fall under the regulations in SB 1322. However, the City wants to begin network deployment before the 2006 Florida legislative session begins in February.

At the Federal level, there are multiple bills filed in Congress that impact community wireless broadband networks. Two (2) of the bills are pro-municipality and would preempt state regulations of community wireless broadband networks. Two (2) additional bills propose to regulate and even prohibit municipal wireless deployment and represent a clear threat to the Wireless Miami Beach Project in their current form.

The bills are currently in committee, an action on them could occur at any time; although it is likely that a compromise bill will be negotiated during 2006.

City Manager concurs with the Committee's recommendation of WFI as the top-ranked firm, and IBM as the second-ranked firm.

CONCLUSION

The Administration recommends that the Mayor and City Commission accept the City Manager's ranking of firms relative to Request for Proposals (RFP) No. 36-04/05, for the Design, Deployment, and Management of a Citywide Wireless Network (Wi-Fi); authorizing the Administration to enter into negotiations with the top-ranked firm of Wireless Facilities, Inc. (WFI) and deploy a 1/2 mile pilot network, and should the administration not be able to successfully negotiate an agreement with the top-ranked firm, authorizing the administration to enter into negotiations with the second-ranked firm of International Business Machines (IBM) Corporation; authorize the Mayor and City Clerk to execute an agreement upon completion of successful negotiations by the Administration, in the base estimated amount of \$4,198,172; options in the estimated amount of \$1,496,000; and 20% contingency; and further appropriating funds in the amount of \$3,240,847.20 from the Information and Communication Technology Fund.

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The City reserves the right to add, delete, change or modify any or all of the proposed Hot Zone locations.

**City of Miami Beach
Proposed List of Hot Zones**

1	Lincoln Road	West Avenue to the Ocean Dr
2	Lummus Park / Ocean Drive	Ocean Drive and 5th to 15th Streets
3	Washington Ave	5 th to 15 th St
4	Collins Ave	1 st to 5 th St
5	71St Normandy Circle and Collins Ave	68 th to 72 nd St
6	41ST	Alton Road to Pine Tree Drive
7	Espanola Way	
8	Collins Park and Cultural Campus	21 St /Park Ave/ 22 St/ Collins Ave
	Miami City Ballet	
	Miami Beach Regional Library	
	Bass Museum	
9	<u>Youth Centers</u>	
	North Shore Park & Youth Center	501 72nd Avenue
	Scott Rakow Youth Center	2700 Sheridan Avenue
	21 st Recreation Center/ Little Acorn	
10	<u>Parks</u>	
	Flamingo Park & Pool	11th St. at Jefferson Avenue
	Normandy Isle Park & Pool	1765 71st Street
	North Shore Open Space Park	79-86th Street & Collins Avenue
	South Pointe Park	1 Washington Avenue
	Muss Park	4400 Chase Avenue
	Stillwater Park	8440 Hawthorne Avenue
	Maurice Gibb Memorial Park	18 th Street & Purdy Avenue

Marjory Stoneman Douglas Park	3 rd Street & Ocean Drive
Tatum Park	8580 Byron Avenue
Fairway Park	200 Fairway Drive
Washington Park	3rd Street & Washington Avenue

11 Golf Clubs (Clubhouses)

Miami Beach Golf Club	2301 Alton Road
Normandy Shores Golf Club	2401 Biarritz Drive

12 Miami Beach Public Schools

Fienberg Fisher Elementary	1420 Washington Ave
South Pointe Elementary	1050 - 4th Street
North Beach Elementary	4100 Prairie Ave
Biscayne Elementary	800 77 Street
Nautilus Middle School	4301 N. Michigan Avenue
Miami Beach Sr. High School	2231 Prairie Ave

13 Miami Beach Marina	300 Alton Rd
14 Miami Beach Boardwalk	21 st to 45 th St
15 Miami Beach Beachwalk	21 st to 15 th St
16 Miami Beach Baywalk	5 th to Washington Ave Extension



Office of the City Manager

MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 2, 2005

SUBJECT: RFP No. 36-04/05 - Design, Deployment, and Management of a Citywide Wireless Network (WiFi) – Issues Raised by IBM.

Pursuant to the Public Records Act (Chapter 119, Florida Statutes) IBM reviewed all records relative to the Evaluation Committee's recommendation and our WiFi Consultant's (Civitium's) analysis, and in turn, raised the following issues, which have been researched and addressed by our Consultant and the Administration as follows:

IBM: "WFI's bid was withdrawn and then resubmitted, but this fact was not mentioned at the evaluation meeting. It was withdrawn on Oct 5, then resubmitted by WFI on November 8, the day the selection committee convened. The resubmitted letter pointed out that the withdrawal was based on a confidentiality exposure related to a November 15 date."

Reply: The above statement is correct. WFI had requested that their proposal be withdrawn as a result of a confidentiality exposure relative to the WFI and Google City of Mountain View project. However, when said project was publicized, prior to the Evaluation Committee meeting, WFI submitted a letter that withdrew their previous withdrawal from the process.

IBM: WFI's bid is based upon product that was unavailable at the time of submission, and is only available in limited quantity at this writing. The new Cisco product that WFI bid was announced on November 15. IBM stands behind the Tropos Wi-Fi product it bid, but much discussion internally at IBM focused on the RFP spec saying up front in the opening paragraph of the technical requirements that the City requested a "CURRENTLY available solution". Cisco heavily pursued IBM as prime for this RFP, having partnered with IBM as prime in more wireless projects (based on Cisco revenue) than they have with any other Systems Integrator; but we bid a response to an important requirement, a common requirement in enterprise wireless RFPs throughout the world. The fact that the Cisco Wi-Fi product was not available at bid due date was not mentioned in the WFI proposal, nor was it discussed during the meeting on November 8. This Cisco availability date was closely monitored by integrators, vendors and consultants in the wireless community."

Reply: The RFP stated the following:

The City requests that Proposers offer their "best" currently available solutions that will satisfy the requirements set forth in this RFP. Note that we only requested the best currently available solution instead of requiring it. In terms of Cisco's timeline, they publicly announced their new product on Tuesday, November 15th. The Evaluation Committee met one week earlier on November 8, 2005. However, in Cisco's announcement, they shared that two municipal deployments are already taking place.

Cisco said it will deploy Aironet across the 55 square miles of Dayton, Ohio, partnering with the local service provider HarborLink to provide free Internet access in a public-private partnership.

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

The town of Lebanon, Oregon, population 13,000, has also begun deploying Cisco's mesh product and is already 40 percent completed.

Cisco said the University of California, Berkeley was its test area for the technology and the company had installed 11 access points that handled 100 users at any time.

So the product was made available to at least two cities to the point of deployment prior to the public announcement.

IBM: "To further elaborate on the above concern, the RFP discussed an Oct 3 pilot date (assumed adjusted by an additional nine days due to the bid extension). This we also took into careful consideration as our Tropos solution was available at that time while the Cisco solution was not even announced."

Reply: As noted above, the solution has been piloted and made available on a limited basis. Had the pilot process kicked off on October 3rd and WFI been short-listed, they would have been required to deploy a half square mile pilot or be disqualified from further consideration.

IBM: "As recently as today, Cisco's partner website refers to WFI as a registered partner only (there are many Cisco partner classifications, which IBM is highest) and that they have no product certifications or specializations.

Reply: Not a requirement spelled out in the RFP. But a great negotiating point for the City with WFI.

IBM: "WFI's bid has a deployment timeline of 6 months, essentially the same as IBM, but WFI's proposal was misrepresented as a 60-90 day deployment during the evaluation meeting. On Page 9 of the RFP it is stated that bidders must submit a timeline which begins January 2006. IBM followed this requirement and began in January, ending September 27, 2006. WFI's project plan had a start date of October 15, ending March 23, 2006, with project administration through July 7, 2006. This is a 60-90 day deployment for IBM and WFI with additional time for start-up and close-out activities. We believe that the schedules should be adjusted to allow for a fair comparison, especially since this was presented by Civitium as a key factor, arguably THE key factor, in the ranking."

Reply: WFI projected a kickoff of the Pilot Program to occur on October 3, 2005 and project completion to occur on March 31, 2006. However, the same timeline includes the full project implementation administration and planning stages to begin on January 23, 2006. This is an inaccurate reading of WFI's schedule.

IBM: "In the November 8 meeting it was stated by Civitium that WFI was able to submit an aggressive schedule because they did much 'upfront' work, and 'invested' time in this project. Was this due diligence performed within the boundaries of the cone of silence? Did WFI or any of its subcontractors speak with Civitium, which the City publicly stated at the pre-bid conference was included in the cone?"

Reply: Civitium based their comment on 23 pages provided by WFI including topographical mapping, visibility study and link budget results, viewshed analysis of nodes, signal propagation maps, mesh link maps, and landuse maps. Nothing similar or comparable based on the City of MB was included in ANY of the other proposals, including IBM.

IBM: "WFI's Project Management hours and resultant pricing was dramatically lower than the top three finalists. We believe this area requires further examination and scrutiny. Being a Motorola customer, you may be aware of the Motorola CAD/Tiburon Records implementation at

We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

the City of Miami Police/Fire a local IBM Project Manager was hired as the City's PM and Chief Timoney and Chief Bryson can provide insight about how a strong PM working in a realistic schedule is vital to a project's success. "

Reply: Discussion for City negotiations with WFI.

IBM: "The above contributed significantly to the total delta in price over a five year period between WFI (\$4.198M) and IBM (\$5.517M). This could be due to the fact that while IBM is an integrator with full integrator capabilities, WFI is a wireless engineering company that has not served as the prime systems integrator on projects like this. Let alone the fact that their only public references are carriers. They have scoped minimal project management (3.8%) to get the hardware deployed as is typical for the engineering scope of this project. This is well less than what the industry uses as a percentage for project management in order to ensure successful deployment. In addition, WFI has not accounted for the ongoing Project Management that is critical to the success of this project beyond the build effort."

Reply: Discussion for City negotiations with WFI.

IBM: "After this RFP was issued, the City issued a Program Management/Project Management RFP. Will the City consider removing the PM cost of the Wi-Fi RFP from the IBM proposal and from any other proposals which incorporated the PM activities required?"

Reply: Two separate RFPs. The scope of the City's Project Management RFP is that the City have a Project Manager working with the successful Proposer's Project Manager.

IBM: "Another area of price delta is on installation. Even If you consider the claim made that the Cisco gear takes 20 access points, versus the Tropos 33 access points, the WFI installation price is also grossly under estimated. At 30% fewer access points you could argue that their installation price (\$84,663) should be 30% less than the IBM installation price (\$459,059). In fact, a 30% discount on the IBM installation price is \$275,435. The WFI price is still well over 3 times less than that. There is something wrong here."

Reply: Discussion for City negotiations with WFI.

IBM: "WFI was misrepresented as being the only firm offering a technology refresh after 4 years. The IBM proposal also contains a technology refresh and another bidder's proposal offered it as well. This misrepresentation by Civitium was of great interest to the committee, per the audio of November 8, and seemed to be another factor which weighed into the ranking."

Reply: Under Technology Refresh section on page 73 of IBM proposal, IBM states "Should IBM be afforded the opportunity, during contract negotiation, IBM will work with the City to develop a comprehensive and flexible technology roadmap to balance services objectives with the changing technology."

In contrast, WFI under the Wireless Network Maintenance and Upgrade section on page 119 of Volume 2, WFI offers "to begin upgrading the network beginning in Year 4, unless network management information reports that components need to be upgraded prior to Year 4 due to equipment malfunction or failure." In addition, WFI's price proposals consistently and clearly include the technology refresh instead of leaving this exceedingly important issue for future negotiation.

IBM: "WFI was represented as having an advantage because of an offsite Network Operations Center (NOC) outside of the geography. IBM also proposed a NOC outside of the geography but this was not pointed out by Civitium."

Reply: This above statement is correct, but Civitium also said a number of good things about IBM's proposal throughout the meeting.

IBM: "On November 8 it was discussed that one reason WFI was selected because it uses Cisco Wi-Fi hardware and that this is a good thing because the city is a Cisco shop". Please

note that RFP page 21 states: The City is a Cisco shop and proposers are strongly encouraged to consider this when choosing hardware (routers and switches only, not Wi-Fi or WiMAX solutions). This RFP reference was not discussed at the meeting."

Reply: This language does not preclude a Cisco Wi-Fi or WiMAX solution though. Didn't want to give impression that Cisco was only NW solution that would be considered.

IBM: "Local presence was not discussed at the selection committee meeting. We think it is important for you to know that over 340 employees work in the Miami IBM office and over 1700 work in IBM offices in South Florida. We have local wireless project managers and support personnel who live in Miami and in South Florida. This local factor was an important selection criterion for the City of Miami public safety example mentioned above, in addition to industry experience and project management experience."

Reply: The City's Local Preference Ordinance does not apply to this RFP.

IBM: "The RFP asked for government references. IBM provided government references while WFI stated in their response that their clients were carrier companies. IBM provided references for local government wireless applications to match the RFQ requirements – including public safety and government efficiency. This was not pointed out in discussions at the meeting."

Reply: References for both IBM and WFI were favorable.

IBM: "From our public records inspection it appears that WFI signed for acknowledgment of Addendum 1 but not for subsequent Addenda."

Reply: WFI did acknowledge receipt of all addendums which were mostly informational in nature.

IBM: "IBM's bid is based upon proven project methodology and core access layer technology validated through 200+ deployments. This experience and product choice lowers the risk to the city of meeting the stated timeline."

"IBM has enjoyed the corporate citizen relationship we have shared with the City of Miami Beach for over twenty-five years, with numerous internal corporate events such as Sales Recognition sessions at the Fontainebleau and the Loews as well as corporate-sponsored client/partner events hosted in Miami Beach including our worldwide Partnerworld Conference. This is the largest IBM Partner event of the year, attracting thousands of people. We look forward to taking our relationship to another level with this exciting wireless project."

"We appreciate you and the selection committee taking the time to review our request for clarification. IBM relishes the opportunity to work with the City of Miami Beach. We stand behind our government references, our tested and proven hardware solution, and the services requested by the City not the least of which is a comprehensive installation plan and full-scale project management, to ensure the results the City demands."

"The RFP specifies that the City Manager has several options in moving forward as this selection is finalized. We hope that one of the options is to further consider IBM as your integrator."

Reply: The Evaluation Committee unanimously recommended WFI. Our WiFi Consultant evaluated all proposals and feels confident that either WFI or IBM can provide a "state of the art" system.

Please advise if additional information is needed.

T:\AGENDA\2005\Dec0705\Regular\WiFi\IBMLetter.doc



International Business Machines Corporation
One Alhambra Plaza
Coral Gables, Florida 33134

November 22, 2005

Mr. Gus Lopez, CPPO, CPPB
City of Miami Beach
Procurement Division, Third Floor
1700 Convention Center Drive
Miami Beach, Florida 33139

Re: RFP No. 36-04/05 - Design, Deployment, and Management of a Citywide Wireless Network submitted Sept 21, 2005 (original due date Sept 12)

Dear Mr. Lopez:

I would like to thank you and your office for facilitating two public records inspection sessions, one on October 20 and another on November 17. The local IBM team also was at your location on November 8, when the selection committee got together from what we understand to be the first time as a group, and scored and ranked the proposals. As you'll recall, we opted to not sit in on that public meeting because we felt that the meeting would be more productive for the team were vendors not in the room.

IBM has learned that a bidder called WFI has been ranked as number one by the evaluation committee and we here pose a few questions and concerns following the public records inspection, including the tape recording of the November 8 session. It is our understanding that IBM has been ranked second. From the audio of the November 8 meeting, we know that a significant amount of time was spent up front by the City's consultant, Civitium, sharing their WFI recommendation.

- 1) WFI's bid was withdrawn and then resubmitted, but this fact was not mentioned at the evaluation meeting. It was withdrawn on Oct 5, then resubmitted by WFI on November 8, the day the selection committee convened. The resubmittal letter pointed out that the withdrawal was based on a confidentiality exposure related to a November 15 date.
- 2) WFI's bid is based upon product that was unavailable at the time of submission, and is only available in limited quantity at this writing. The new Cisco product that WFI bid was announced on November 15. IBM stands behind the Tropos Wi-Fi product it bid, but much discussion internally at IBM focused on the RFP spec saying up front in the opening paragraph of the technical requirements that the City requested a "CURRENTLY available solution". Cisco heavily pursued IBM as prime for this RFP, having partnered with IBM as prime in more wireless projects (based on Cisco revenue) than they have with any other Systems Integrator; but we bid a response to an important requirement, a common requirement in enterprise wireless RFPs throughout the world. The fact that the Cisco Wi-Fi product was not available at bid due date was not mentioned in the WFI proposal, nor was it discussed during the meeting on November 8. This Cisco availability date was closely monitored by integrators, vendors and consultants in the wireless community.

- 3) To further elaborate on the above concern, the RFP discussed an Oct 3 pilot date (assumed adjusted by an additional nine days due to the bid extension). This we also took into careful consideration as our Tropos solution was available at that time while the Cisco solution was not even announced.
- 4) As recently as today, Cisco's partner website refers to WFI as a registered partner only (there are many Cisco partner classifications, which IBM is highest) and that they have no product certifications or specializations.
- 5) WFI's bid has a deployment timeline of 6 months, essentially the same as IBM, but WFI's proposal was misrepresented as a 60-90 day deployment during the evaluation meeting. On Page 9 of the RFP it is stated that bidders must submit a timeline which begins January 2006. IBM followed this requirement and began in January, ending September 27, 2006. WFI's project plan had a start date of October 15, ending March 23, 2006, with project administration through July 7, 2006. This is a 60-90 day deployment for IBM and WFI with additional time for start-up and close-out activities. We believe that the schedules should be adjusted to allow for a fair comparison, especially since this was presented by Civitium as a key factor, arguably THE key factor, in the ranking.
- 6) In the November 8 meeting it was stated by Civitium that WFI was able to submit an aggressive schedule because they did much 'upfront' work, and 'invested' time in this project. Was this due diligence performed within the boundaries of the cone of silence? Did WFI or any of its subcontractors speak with Civitium, which the City publicly stated at the pre-bid conference was included in the cone?
- 7) WFI's Project Management hours and resultant pricing was dramatically lower than the top three finalists. We believe this area requires further examination and scrutiny. Being a Motorola customer, you may be aware of the Motorola CAD/Tiburon Records implementation at the City of Miami Police/Fire a local IBM Project Manager was hired as the City's PM and Chief Timoney and Chief Bryson can provide insight about how a strong PM working in a realistic schedule is vital to a project's success.
- 8) The above contributed significantly to the total delta in price over a five year period between WFI (\$4.198M) and IBM (\$5.517M). This could be due to the fact that while IBM is an integrator with full integrator capabilities, WFI is a wireless engineering company that has not served as the prime systems integrator on projects like this. Let alone the fact that their only public references are carriers. They have scoped minimal project management (3.8%) to get the hardware deployed as is typical for the engineering scope of this project. This is well less than what the industry uses as a percentage for project management in order to ensure successful deployment. In addition, WFI has not accounted for the ongoing Project Management that is critical to the success of this project beyond the build effort.
- 9) After this RFP was issued, the City issued a Program Management/Project Management RFP. Will the City consider removing the PM cost of the Wi-Fi RFP from the IBM proposal and from any other proposals which incorporated the PM activities required?
- 10) Another area of price delta is on installation. Even If you consider the claim made that the Cisco gear takes 20 access points, versus the Tropos 33 access points, the WFI installation price is also grossly under estimated. At 30% fewer access points you could argue that their installation price (\$84,663) should be 30% less than the IBM installation price (\$459,059). In fact, a 30% discount on the IBM installation price is \$275,435. The WFI price is still well over 3 times less than that. There is something wrong here.
- 11) WFI was misrepresented as being the only firm offering a technology refresh after 4 years. The IBM proposal also contains a technology refresh and another bidder's proposal offered it as well. This misrepresentation by Civitium was of great interest to the committee, per the audio of November 8, and seemed to be another factor which weighed into the ranking.
- 12) WFI was represented as having an advantage because of an offsite Network Operations Center (NOC) outside of the geography. IBM also proposed a NOC outside of the geography but this was not pointed out by Civitium.
- 13) On November 8 it was discussed that one reason WFI was selected because it uses Cisco Wi-Fi hardware and that this is a good thing because the city is a Cisco shop". Please note that RFP page 21 states: The

Comment: The deployment schedules are not identical –the duration for the complete Project Implementation tasks are equivalent. There are specific differences in the sub task durations that make up the implementation with WFI being more aggressive than IBM.

City is a Cisco shop and proposers are strongly encouraged to consider this when choosing hardware (routers and switches only, not Wi-Fi or WiMAX solutions). This RFP reference was not discussed at the meeting.

- 14) Local presence was not discussed at the selection committee meeting. We think it is important for you to know that over 340 employees work in the Miami IBM office and over 1700 work in IBM offices in South Florida. We have local wireless project managers and support personnel who live in Miami and in South Florida. This local factor was an important selection criterion for the City of Miami public safety example mentioned above, in addition to industry experience and project management experience.
- 15) The RFP asked for government references. IBM provided government references while WFI stated in their response that their clients were carrier companies. IBM provided references for local government wireless applications to match the RFQ requirements – including public safety and government efficiency. This was not pointed out in discussions at the meeting.
- 16) From our public records inspection it appears that WFI signed for acknowledgment of Addendum 1 but not for subsequent Addenda.
- 17) IBM's bid is based upon proven project methodology and core access layer technology validated through 200+ deployments. This experience and product choice lowers the risk to the city of meeting the stated timeline.

IBM has enjoyed the corporate citizen relationship we have shared with the City of Miami Beach for over twenty-five years, with numerous internal corporate events such as Sales Recognition sessions at the Fontainebleau and the Loews as well as corporate-sponsored client/partner events hosted in Miami Beach including our worldwide Partnerworld Conference. This is the largest IBM Partner event of the year, attracting thousands of people. We look forward to taking our relationship to another level with this exciting wireless project.

We appreciate you and the selection committee taking the time to review our request for clarification. IBM relishes the opportunity to work with the City of Miami Beach. We stand behind our government references, our tested and proven hardware solution, and the services requested by the City not the least of which is a comprehensive installation plan and full-scale project management, to ensure the results the City demands.

The RFP specifies that the City Manager has several options in moving forward as this selection is finalized. We hope that one of the options is to further consider IBM as your integrator.

Sincerely,

Ana Trainor
IBM Government Client Executive
One Alhambra Circle
Coral Gables, FL 33134
atrainor@us.ibm.com
Office: 305-442-3530
Mobile: 305-282-0020

cc: Mr. Robert Parcher, City Clerk

**R9
New Business
And
Comm. Requests**



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: December 7, 2005

From: Jorge M. Gonzalez
City Manager

Subject: BOARD AND COMMITTEES

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Barrier Free Environment Committee	13	Commissioner Matti H. Bower Commissioner Richard L. Steinberg	1 1	Page 2
Beach Preservation Board	10	Commissioner Richard L. Steinberg Commissioner Saul Gross	1 1	Page 3
Budget Advisory Committee	9	Commissioner Richard L. Steinberg	1	Page 6
Committee on the Homeless	9	Commissioner Simon Cruz	1	Page 9
Community Development Advisory Committee	14	Commissioner Jerry Libbin Commissioner Matti H. Bower Mayor David Dermer	2 1 1	Page 10

AGENDA ITEM
DATE

R9A

12-7-05

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Design Review Board	7	City Commission	1	Page 14
Golf Advisory Committee	12	Commissioner Matti H. Bower	1	Page 17
Health Advisory Committee	11	City Commission	1	Page 18
Health Facilities Authority Board	6	City Commission	2	Page 20
Hispanic Affairs Committee	7	Commissioner Matti H. Bower Mayor David Dermer	1 1	Page 21
Historic Preservation Board	7	City Commission	1	Page 22
Housing Authority	5	Mayor David Dermer	1	Page 23
Marine Authority	7	Commissioner Simon Cruz	1	Page 25

AGENDA ITEM _____
DATE _____

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Miami Beach Commission on Status of Women	21	Commissioner Jerry Libbin	2	Page 26
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
Miami Beach Cultural Arts Council	9	City Commission	2	Page 27
Police Citizens Relations Committee	17	Commissioner Jerry Libbin	1	Page 36
Public Safety Advisory Committee	7	Commissioner Jerry Libbin	1	Page 39
Safety Committee	14	Commissioner Luis R. Garcia, Jr.	2	Page 40
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	

Attached is breakdown by Commissioner or City Commission:


JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Previously Comm. Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Land Use & Development Committee				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Previously Comm. Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- **Miami Beach Transportation Management Association (TMA)**
- **Dade Cultural Alliance**
- **Tourist Development Council**
- **Performing Arts Center Trust (PACT)**

Commissioner Luis R. Garcia, Jr.

- **Unclassified Employees and Elected Officials Retirement System**
- **Greater Miami Convention and Visitors Bureau**

Commissioner Richard L. Steinberg

- **Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities**
- **Miami-Dade League of Cities**
- **Metropolitan Planning Organization**

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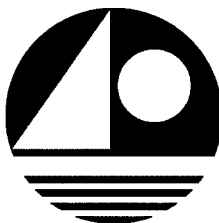
R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B1-2
DATE 12-7-05

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C: Hilda
Don
Murray
Lilia



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

A handwritten signature in black ink, appearing to read "Luis R. Garcia Jr.", written over the printed name of the Commissioner.

DATE: November 10, 2005

RE: AGENDA ITEM

Please place on the December 7th, Commission agenda a discussion item regarding extending alcohol serving hours to 7:00 a.m. on New Years Eve.

Thank you.

Agenda Item R9C
Date 12-7-05



C: Hilda
Don
Lina

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: MATTI H. BOWER *MHB*
COMMISSIONER

DATE: NOVEMBER 15, 2005

RE: DISCUSSION ITEM FOR THE 12-07-05 COMMISSION MEETING
– EXTENDED ALCOHOL SERVING HOURS TO 7:00 A.M. FOR
NEW YEAR'S EVE.

Please place on December 7th, 2005 Commission Agenda an item discussing "Extended Alcohol Serving Hours to 7:00 a.m. for New Year's Eve, for holders of 5:00 a.m. alcohol licenses."

I have attached the letter from Mr. David Kelsey, President of South Beach Hotel and Restaurant Association, dated November 8, 2005.

I thank you in advance for your cooperation in this matter. If you have any questions please do not hesitate to contact me or my Aide, Yvonne at extension 6091.

Yours truly,

MHB/yws

BY
CITY MANAGERS OFFICE

2005 NOV 16 PM 12:14

RECEIVED

South Beach Hotel and Restaurant Association

407 Lincoln Road – Suite # 12H – Miami Beach, Florida 33139

Phone (305) 673-0440 Fax (305) 673-9910

E-mail: sbhotels@bellsouth.net

November 8th, 2005

Mayor and City Commission
City of Miami Beach
Miami Beach, Florida

**Re: Request for Agenda Item - November 16th Commission Meeting.
Extended Alcohol Serving Hours to 7 AM for New Year's Eve.**

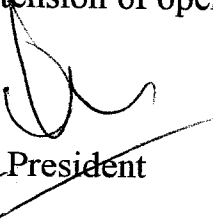

Dear Mayor and Commissioners;

On behalf of the nightlife members of the South Beach Hotel and Restaurant Association we are requesting that an item be added to the Agenda for the Commission's November 16th meeting to request approval of extended operating and alcohol serving hours on New Year's Eve for holders of 5 AM alcohol licenses. The extended hours would be to 7 AM on the night of Saturday, December 31st (the morning of January 1st, 2006).

As in prior years, 5 AM license holders wishing to take advantage of the extended serving hours shall give advance notice to Code Enforcement and the Police Department, as well as comply with the recent requirement that there be no open and uncontested violations or unpaid and uncontested fines due the city, and that there be no outdoor or open-air entertainment without a Special Event permit. It is suggested that 5 PM Friday, December 16th be the cut-off date for notification.

Thank you in advance for your anticipated approval of this traditional New Year's Eve extension of operating and serving hours.

Sincerely,


David Kelsey, President

C: City Manager Jorge Gonzalez, Police Chief Don DeLucca, Code Enforcement Director James Mazer, City Clerk Robert Parcher

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FL, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO RESOLVE THE REMAINING IMPASSE ITEMS BETWEEN THE CITY AND THE COMMUNICATIONS WORKERS OF AMERICA (CWA), AS RECOMMENDED BY THE FINANCE AND CITYWIDE PROJECTS COMMITTEE; PROVIDING THAT IN THE EVENT THAT THE AGREEMENT IS NOT RATIFIED BY THE BARGAINING UNIT EMPLOYEES, THEN ONLY THE ITEMS IN THE FIRST FISCAL YEAR (OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004) OF THE PROPOSED PACKAGE SHALL BE IMPOSED ON DECEMBER 7, 2005 PER CHAPTER 447 OF THE FLORIDA STATUTES AND IN THE EVENT THAT THE AGREEMENT IS RATIFIED BY THE BARGAINING UNIT EMPLOYEES, THEN THE THREE (3) YEAR AGREEMENT WILL TAKE EFFECT ON THE DATE OF THE RATIFICATION AND THE BENEFITS IN THAT CONTRACT WILL BECOME EFFECTIVE AS STATED IN THE TERMS OF THAT PACKAGE OF BENEFITS; FURTHER IN THE EVENT THAT THE AGREEMENT IS RATIFIED, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.**

ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

BACKGROUND:

On June 26, 2003, the City of Miami Beach and the Communications Workers of America (CWA) held the first session to collectively bargain a new labor contract. Both sides proposed significant changes to the existing contract. The City attempted throughout the course of negotiations to limit each side to focus on a "short list" (a manageable number of proposals). Although twelve (12) collective bargaining sessions were held with the CWA and numerous proposals were made in an attempt to negotiate a mutually agreeable contract, at each subsequent meeting, the CWA continued to introduce new proposals.

Agenda Item R9D
Date 12-7-05

On July 7, 2004, the City presented a package offer to the CWA, which included Cost of Living Adjustments (COLA) retroactivity, subject to agreement with the other proposals in the package. Although the City's bargaining team remained available to negotiate after the July 7, 2004 date, no further meetings took place until October 29, 2004 as the CWA elected not to meet and negotiate during an extended vacation period taken by the Union President and several restrictions that the CWA placed upon the conditions of scheduling future negotiation sessions. On October 29, 2004, the City once again urged the CWA to consider the offer made to them at the last session on July 7, 2004, but the offer was again rejected. After nine (9) hours of negotiations on October 29, 2004, the CWA proposed the following two new options: (1) Impasse on all issues or (2) agree on certain items and go to impasse on substantial proposed changes to the pension plan.

The City again urged the CWA negotiation team to conclude contract negotiations and take the proposed offer to a ratification vote by the bargaining unit members so they could decide for themselves. The City left the offer open to the CWA for one week (until November 5, 2004) to consider the offer. The CWA never responded to the City's offer.

Based on the length of time that had passed, and the inability of the parties to agree on the proposals, the City felt that a declaration of impasse was the only option left. In order to bring resolution to the contract, (which had expired on September 30, 2003), on November 10, 2004, in accordance with the procedures defined in the Florida Statutes, the City sent a letter to the CWA President and the Public Employees Relations Commission (PERC) declaring an impasse.

During the next several months, the parties attempted to mediate a contract through the use of a Special Magistrate. Although the Special Magistrate made several recommendations to the parties, the City felt that the majority of these recommendations disregarded the overall interest of the City. Therefore, according to the statutory impasse procedures, the disputed items were to be decided upon by the City Commission at a public hearing, which took place on August 1, 2005.

During the impasse hearing on August 1, 2005, both the CWA and the City presented and explained their recommendations on the various disputed items to the Mayor and City Commission. At the conclusion of the Impasse hearing, the Commission recommended that the three (3) main impasse items, (1) wages, (2) pension and (3) health insurance, be referred to the September 14, 2005 Finance and Citywide Projects Committee for their review and further recommendations. At the conclusion of the September 14, 2005 Finance and Citywide Projects Committee meeting, the Committee recommended that an additional meeting be held to discuss the pension issue only. This meeting took place on October 6, 2005. At the direction of the Finance and Citywide Projects Committee, the City met with the CWA on October 14, 2005, and the other civilian bargaining units to discuss the 401A migration proposal.

At the October 19, 2005 City Commission Meeting, the City Commission passed motions accepting the Committee's and Manager's recommendations made on the issues of wages, pension and health insurance by the Finance and Citywide Projects Committee meeting.

Other Items In Dispute at Impasse

At the conclusion of the City Commission meeting on October 19, 2005, the Commission referred the remaining impasse items to the Finance and Citywide Projects Committee for review and recommendations. This review took place by the Finance and Citywide Projects Committee on November 10, 2005, and the following recommendations were made:

- As a preliminary matter, a unanimous motion was passed to accept the following items that both the City and the Union agreed at this meeting should remain status quo as presently provided in the contract.
 - Sick/vacation leave accrual (no change)
 - Accreditation pay (proposal to create this was withdrawn by Union)
 - Overtime pay (at 3.5 times) for holiday call-in (no change)
 - Reporting pay (no change)
 - Tuition reimbursement procedures (no change)
 - EMT Lifeguard pay (no change)

The Finance Committee's recommendations for items one through twelve (1-12) below resolve the remaining impasse items and shall become part of the contract if it is imposed by the City Commission (whether or not the Agreement is ratified by the bargaining unit employees). The Committee's recommendations on these twelve (12) items were unanimously approved by the Finance and Citywide Projects Committee members present on November 10, 2005.

1. Election of Remedies

The grievance/arbitration process set forth in the Agreement shall be the exclusive method for resolving all grievances filed by the bargaining unit. The Personnel Board will no longer have jurisdiction to hear any appeals filed by CWA members regarding discipline.

2. Detached Primary Union Representative

The Union will have a detached primary union representative to conduct all union business as described throughout the CWA collective bargaining agreement (with the exception of attendance at negotiation sessions or Labor Management meetings). In addition, the union shall have a back-up designee that may be allowed to conduct union business on City time, if necessary, only if the primary union rep is sick or on vacation.

3. Cleaning Allowance

The current cleaning allowance as currently set forth in Section 8.10 of the collective bargaining agreement will remain unchanged (status quo).

4. Promotions

The current promotion processes as currently set forth in Section 9.18 will remain unchanged (status quo). The current City practice utilizes a combination of written, typing and a weighted interview process depending upon each classification.

5. Seasonal/Temporary Employees

The number of Seasonal/Temporary employees that may be used to supplement the workforce shall be increased in Section 9.6 from thirty (30) to one hundred (100).

6. Random Drug Testing

Adopt the City's proposed language in Article 10 to create a random drug testing program (as presently used with AFSCME and GSA) for public safety classifications including: Communications Operator, Complaint Operator II, Crime Scene Technician I and II, Dispatcher, Dispatcher Trainee, Lifeguard I, II and Lieutenant, Pool Guard I and II, Property and Evidence Technician I and II, Public Safety Specialist and Police Photographer.

7. Certification Pay

No new certification pay benefit shall be created for any employees.

8. Lifeguard/Pool Guard Scheduling

Adopt the City's proposed language in Section 7.2, to allow Management the flexibility to make decisions regarding the proper scheduling for lifeguards in order to best protect our citizens while being able to react to events and seasonal needs. The current contractual language for Lifeguard scheduling mandates a four day/ten hour workday from February 1 until October, at the end of daylight savings time, with no flexibility allowed. The pool guard scheduling shall remain unchanged (status quo), which is a five day/eight hour workday.

9. OSHA/Asbestos standard removal

Although no language changes shall be made part of the contract, the recommendation was to adopt a practice of informing employees through a written notice whether the building has been inspected and if inspected whether there is asbestos present and make the inspector report available.

10. Pay for Performance

Adopt the Pay for Performance system, which is currently used with the other civilian bargaining units (AFSCME and GSA) in place of the existing step plan in Article 8. The existing longevity will be built into the salary ranges. Under the Pay for Performance system, employees have the opportunity to progress through the salary ranges more quickly.

11. Uniforms

Adopt, as part of Section 8.11, the City's proposed language regarding "sponsorship" for uniforms and delete the word "cotton" from the current uniform provision in Section 8.11 of the collective bargaining agreement. Include language that Lifeguards shall be provided one (1) Class A uniform shirt, one (1) Class A uniform pant and one (1) badge.

12. Contracting Out

Adopt the City's proposed language in Section 9.11, which clarifies the City's obligation to discuss the effects of the decision to use subcontractors with the Union only in the event that it would result in lay-offs to any bargaining unit members.

Impasse guidelines in the State of Florida

After the City Commission renders its final decision and approves the package of benefits that it deems most appropriate for a contract for both the three (3) year period and alternatively, if necessary, to cover the first fiscal year at issue (FY 2003-2004), then the proposed contract will be submitted to the CWA for a ratification vote of its membership. If the membership votes, by a majority of those bargaining unit employees who cast votes, to ratify the agreement that was approved by the City Commission, then the three (3) year agreement will take effect on the date of the ratification and the benefits in that contract will become effective as stated in the terms of that package of benefits. If the bargaining unit ratification vote fails to ratify the contract, then only those terms that were included as part of the first fiscal year (October 1, 2003 – September 30, 2004) of the proposed three (3) year agreement will be imposed as of December 7, 2005 and the parties will be back at the negotiation table to resume bargaining over a contract for a period beginning on October 1, 2004.

Fiscal impact of the City proposals for the CWA bargaining unit

The financial impact of the City's proposal package represents a total cost for the three (3) year contract of \$2,757,723. This amount is comprised of \$1,579,723 for COLA/wages and \$1,178,000 for pension enhancements. This represents an increase of approximately \$3,700 per CWA employee, which is comparable to the AFSCME (the second largest civilian bargaining unit).

CONCLUSION

The Administration's recommendation ensures that the City of Miami Beach will meet its goals of ensuring and continuing fiscal responsibility, hiring and retaining the best qualified and highest quality employees, and maintaining a good and competitive pay and benefits package, while providing for an equitable contract for both the City, the CWA bargaining unit members and all employees. The Administration recommends that the Mayor and City Commission resolve the impasse between the City and the CWA by recommending the City Administration's package of proposals to the CWA membership for a ratification vote for a three (3) year labor agreement for the period from October 1, 2003 through September 30, 2006. Based on this recommended package of proposals, in the event that the agreement is not ratified by the CWA membership, then only the items in the first fiscal year (October 1, 2003 through September 30, 2004) of the proposed package shall be imposed as of December 7, 2005, per Chapter 447 of the Florida Statutes. If the membership votes, by a majority of those bargaining unit employees who cast votes, to ratify the agreement that was approved by the City Commission, then the three (3) year agreement will take effect on the date of the bargaining unit ratification and the benefits in that contract will become effective as stated in the terms of that package of benefits.

(A supplemental package which includes the City contract language will be provided prior to the Commission Meeting.)

JMG/RI/LG/mr

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RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FL, ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER TO RESOLVE THE REMAINING IMPASSE ITEMS BETWEEN THE CITY AND THE COMMUNICATIONS WORKERS OF AMERICA (CWA), AS RECOMMENDED BY THE FINANCE AND CITYWIDE PROJECTS COMMITTEE; PROVIDING THAT IN THE EVENT THAT THE AGREEMENT IS NOT RATIFIED BY THE BARGAINING UNIT EMPLOYEES, THEN ONLY THE ITEMS IN THE FIRST FISCAL YEAR (OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004) OF THE PROPOSED PACKAGE SHALL BE IMPOSED ON DECEMBER 7, 2005 PER CHAPTER 447 OF THE FLORIDA STATUTES AND IN THE EVENT THAT THE AGREEMENT IS RATIFIED BY THE BARGAINING UNIT EMPLOYEES, THEN THE THREE (3) YEAR AGREEMENT WILL TAKE EFFECT ON THE DATE OF THE RATIFICATION AND THE BENEFITS IN THAT CONTRACT WILL BECOME EFFECTIVE AS STATED IN THE TERMS OF THAT PACKAGE OF BENEFITS; FURTHER IN THE EVENT THAT THE AGREEMENT IS RATIFIED, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

WHEREAS, the City Manager is herein submitting to the Mayor and City Commission the attached proposed Labor Agreement between the City of Miami Beach, Florida, and the Communications Workers of America (CWA), the bargaining agent certified by the Public Employees Relations Commission (PERC) for the employees covered by said Agreement; and

WHEREAS, the previous Labor Agreement was for a three year period from October 1, 2000 through September 30, 2003 and has expired; and

WHEREAS, in the event that the Agreement is not ratified by the bargaining unit employees, then only the items in the first fiscal year (October 1, 2003 through September 30, 2004) of the proposed package shall be imposed on December 7, 2005, per Chapter 447 of the Florida Statutes; and

WHEREAS, in the event that the Agreement is ratified by the bargaining unit employees, then the three (3) year Agreement will take effect on the date of the ratification and the benefits in that contract will become effective as stated in the terms of that package of benefits.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the attached Labor Agreement between the City of Miami Beach and the CWA for the period covering October 1, 2003 through September 30, 2006, providing that in the event that the Agreement is not ratified by the bargaining unit employees, then only the items in the first fiscal year (October 1, 2003 through September 30, 2004) of the proposed package shall be imposed on December 7, 2005 per chapter 447 of the Florida Statutes, and in the event that the Agreement is ratified by the bargaining unit employees, then the three (3) year Agreement will take effect on the date of the ratification and the benefits in that contract will become effective as stated in the terms of that package of benefits; further in the event that the Agreement is ratified, authorizing the Mayor and City Clerk to execute the Agreement.

PASSED AND ADOPTED this ____ day of _____, 2005.

ATTEST:

CITY CLERK

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 14/105
City Attorney Date



CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

C.C.: POLICE CHIEF DONALD DE LUCCA

FROM: MATTI H. BOWER *MHB*
COMMISSIONER

DATE: NOVEMBER 15, 2005

RE: UNSAFE PEDESTRIAN CROSSWALKS ON WEST AVENUE.

Attached please find the letter received from Mr. Shawn Bryant, resident at 1330 West Avenue, Unit 2810, and Miami Beach, FL 33139, dated November 4, 2005.

Mr. Suereth is very concerned about the Pedestrians Crosswalks on West Avenue. Although there are signs posted, cars travel over 50 miles per hour.

Can you notify the Police to find out if this issue can be resolved?

Please advice.

MHB/yws

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2005 NOV 16 PM 12:14
CITY MANAGER'S OFFICE
BY

Agenda Item R9E
Date 12-7-05

November 4, 2005

Dear Mayor David Dermer & Vice Mayor Matti Herrera Bower,

I have never written to your office before today. A serious safety item in our community needs to be addressed before someone is killed. I feel that your office is the only office that can address this issue and bring about change.

I am talking about our pedestrian crosswalks in Miami Beach and the absolute lack of yielding by vehicles to pedestrians crossing in these sidewalks.

In no other American city in which I have spent time have I witnessed the total disregard for people crossing the streets in marked crosswalks. I have even observed drivers using their horns as they approached the crosswalk where people were crossing the street.

I have witnessed on numerous occasions Miami Beach Police cars not yielding to pedestrians. If our own Police are not respecting the pedestrians in crosswalks, it only demonstrates that they are not enforcing these laws. Signs are already posted on West Avenue stating a driver can be fined for not yielding to pedestrians. We don't need any more signs; we need the Police to be instructed to enforce these laws before someone is killed.

I believe that West Avenue is being used by drivers to avoid the congested traffic on Alton Road. Many, many drivers are traveling at speeds far above the posted speed limit. I have never seen a police unit policing for speed or issuing tickets. Cars travel over 50 miles per hour on West Avenue while their drivers talk on cell phones not yielding to pedestrians crossing in marked crosswalks. How long before someone gets killed?

I am writing your office because I know if you were to work to make this a quality of life issue in Miami Beach, we could bring about change in driver's actions. If nothing is done, someone will be killed. I am putting your office on notice that this is a serious problem. Failure of your office to address this issue puts the liability for any pedestrian injury with you and your office.

I will volunteer my time in any way I could be of help to you or the police department to enforce these rules. If you need me to monitor the speeds with a radar device and report the results, I will. If you need to me be a pedestrian attempting to cross the street while a police officer monitors the drivers, I will. I am willing to do anything a citizen can do to enforce these crosswalk laws.

I look forward to hearing your response.

Regards,



Shawn Bryant
1330 West Avenue
Unit 2810
Miami Beach, FL 33139
Cell Phone: 612-799-6454



c: Floyd
RI
Don
Glia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE M. GONZALEZ
CITY MANAGER

FROM: MATTI H. BOWER *MHB*
COMMISSIONER

DATE: NOVEMBER 15, 2005

RE: MORATORIUM ON DRIVING VEHICLES ON THE BEACH

Unfortunately, on November 13, 2005 there was a second accident on the beach, where a sunbather was struck by a City vehicle.

Although I know there is policy in place regulating this activity, please advise how the Administration will address this issue in the immediate future. I would like to suggest that until a solution is found, the City of Miami Beach should establish a moratorium on driving vehicles on the beach in order to avoid that this type of incident ever happens again.

If this action needs Commission approval, please place it on December 7, 2005 Commission Meeting Agenda.

Please advice as soon as possible.

Yours truly,

MHB/yws

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CITY MANAGER'S OFFICE
BY

Agenda Item R9F
Date 12-7-05

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RI
Bob
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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: JORGE GONZALEZ
CITY MANAGER

FROM: DAVID DERMIER
MAYOR

DATE: NOVEMBER 16, 2005

RE: AGENDA ITEM

Please place on the December 7, 2005 Commission agenda for report and discussion on the uses and types of City vehicles on our beaches.


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2005 NOV 18 PM 1:11
CITY MANAGER'S OFFICE
BY _____

Agenda Item R9G
Date 12-7-05



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: December 7, 2005

SUBJECT: **Discussion of Use and Types of Vehicles Used on our City Beaches**

As a result of the unfortunate incident on our City beach in which an Ocean Rescue vehicle injured a sunbather, the City once again reviewed its Beach Vehicle Policy to determine its adequacy to preclude other such incidents.

After careful review of the Beach Policy which is attached, it was determined that the current Policy is comprehensive in its scope and appropriate for continued use to safeguard persons utilizing the City beach. The most notable and significant points of the policy are:

- Limited access and use provisions
- Limits on speed
- Defined access points
- Drive areas limited to sand hard pack
- Various safe operating guidelines for vehicles that must operate on the beach, Such as clear lines of sight, use of flashing lights and no cellular phone use while in a vehicle.

Even though the Beach Vehicle Policy was determined to be appropriate, the City Administration has taken this opportunity to re-issue the Policy to every City employee in order to emphasize the importance of the Policy to all our employees. In addition, the vehicle policy will be placed in each City vehicle.

The City Administration has also taken the opportunity to accelerate the ongoing reconfiguration of the Ocean Rescue fleet of vehicles. A process to convert the Ocean Rescue fleet to one which utilizes primarily all terrain vehicles and mules (a larger all terrain vehicle - picture attached) for beach access and utilization was commenced in the beginning of this fiscal year. In order to accelerate the Fleet conversion, five additional mules have been purchased and are in the process of being delivered to the City of Miami Beach, in addition to the purchase of six additional all terrain vehicles. These new vehicles will supplement the existing mules and all terrain vehicles. This immediate acquisition of mules and all terrain vehicles will enable the Ocean Rescue to undertake all of its beach operations completely with mules and all terrain vehicles. No street vehicles will be necessary for daily Ocean Rescue operations. The vehicle acquisition will allow Ocean Rescue to limit their utilization of the one remaining SUV and three remaining pick-up trucks for road use and the extraordinary occasional beach use in which heavy equipment or objects must be transported.

All of the new beach access vehicles are being equipped both with a flashing strobe and audible alarm for vehicle backing operations.

The Beach Vehicle Policy has also been reviewed as it pertains to other uses of the beach, most notably the hotel and beach concessionaires. This category of beach users has also been sent copies of the Beach Vehicle Policy and reminded of the importance of the Beach Vehicle Policy. Concessionaires have been asked to limit their access to an hour after sunrise to an hour prior sunset. As an added measure to ensure compliance with the Beach Vehicle Policy, all concessionaires will be required to display a City issued authorized vehicle placard.

Beach users also include the external agencies of State of Florida Department of Environmental Protection, Miami-Dade County and the U.S. Coast Guard. Each of these agencies have been sent our Beach Vehicle Policy and have been reminded to instruct their staffs to follow the policy to ensure public safety on the beach.

The Administration is confident that the continued use and enforcement of our Beach Access Policy, together with the acceleration of the Fleet conversion and expanded employee training on the Beach Access Policy will serve to preclude the unfortunate type of incident which recently occurred on the beach and assure a safe environment for all of the beach users.

JMG\RCM\sam

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Attachments



Beach Vehicle Policy

The following policy pertains to the operation of vehicles on the beach by any City of Miami Beach employee. All City of Miami Beach employees are reminded that vehicles should not be routinely used on the beach. The public are not expecting vehicles on the beach. Therefore, all operators of vehicles on the beach must utilize due care and extreme caution at all times. Safety is of paramount importance in the operation of any vehicle on the beach.

Ocean Rescue vehicles are the only vehicles authorized for routine operation on the beach. Police (other than direct patrol), Fire and other City Department vehicles are only permitted on the beach in response to a call for service. Whenever possible, All Terrain Vehicles (ATVs) or bicycles will be utilized by personnel when responding to a call for service. All City of Miami Beach employees operating vehicles on the beach shall follow the below listed procedures at all times:

- Vehicles, SUVs, and Trucks will not be used for routine patrol of the beach. ATVs and Bicycles will be the only authorized routine patrol vehicles for the beach. Vehicles, SUVs, and Trucks are prohibited from being on the beach unless they are dispatched to respond to a call for service.
- Should an ATV or Bicycle Unit not be available and a City employee is required to respond for service on the beach, the following safety precautions shall be followed at all times:
 - Due care and caution will be utilized at all times while driving any vehicle on the beach.
 - All vehicles responding to a call for service on the beach shall enter and depart the beach at the nearest access point to the call.
 - Prior to entering the beach area, employees will turn on their vehicle headlights and overhead flashing lights (if equipped) or flashers.
 - Employees shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach.
 - Maximum speed allowed on the beach is 15 MPH.
 - Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where hard pack sand exists.
 - Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack** at all times.
 - Do not drive over hills/berms or near objects that may obstruct your view.
 - If you stop and exit your vehicle, walk completely around the vehicle prior to entering your vehicle and moving it.
 - Employees shall place a traffic cone at the front and rear of their vehicle when parked on the beach, except during an emergency response.
 - Use of a cellular phone while the vehicle is in motion is prohibited.
 - Employees are prohibited from driving personal vehicles on the beach
 - On-Duty Fire Division Chiefs and EMS Supervisors are authorized to inspect the hard pack during the morning hours to ensure that rescue units will be able to traverse the beach if dispatched to a call for service.
- City of Miami Beach employees working authorized Special Events or off duty jobs that are required to have a vehicle on the beach will follow the above procedures at all times.

These procedures are to be complied with at all times by all City staff operating a vehicle on the beach. Failure to comply with these procedures may result in disciplinary action up to and including termination.



CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



OFFICE ASSET MANAGEMENT/BEACHFRONT CONCESSIONS

Telephone 305-673-7193
Facsimile 305-673-7772

March 17, 2003

Re: Amendment to Second Amended and Restated Rules and Regulations for Beachfront Concession Operations (Rules and Regulations) Beachfront Concession Vehicle Regulations

Dear Upland Entity/Concessionaire:

As you may know, the Second Amended and Restated Rules and Regulations for Beachfront Concession Operations (Rules and Regulations), as adopted by the City Commission on January 30, 2002, currently contains the following language with regard to beachfront concessionaires' use of vehicles on the beach.

11. Vehicles are only allowed in areas where roadways are provided, and may only park in areas designated for vehicle parking. Upland Owner Concessionaire's vehicles shall only be allowed on the beachfront for purposes of supplying the concession's operations, and to remove equipment at the close of operations each day, and must be removed from the beachfront immediately thereafter.
18. Any transport vehicles operated on the beachfront shall not exceed 10 m.p.h., and shall only operate in the area of the concession or to-and-from the nearest access ramp. After transporting equipment to the concession site, the vehicles shall be removed from the beachfront area and parked in a legally authorized location. Driving on the beachfront area shall be kept to a minimum.

Effective immediately, the aforementioned provisions in the Rules and Regulations will no longer apply, and are herein amended and replaced with the following rules governing Concessionaires' use of motor vehicles and/or small off-road vehicles, as defined below, on the beach. The following rules shall be adhered to by all beachfront concessionaires and/or their respective employees and/or sub-contractors:

Rules for Use of Motor Vehicles and Small Off-Road Vehicles on the Beach
(Effective Date: March 17, 2003)

1. For purposes of the following rules, as herein adopted and made a part of the Rules and Regulations, the word "motor vehicle" shall mean any City approved automobile, truck, sport utility vehicle, and any other similar means of transportation that is approved and appropriately licensed by the State Department of Transportation and/or State Department of Motor Vehicles, to travel on paved roadways (and shall also be deemed to include any trailer attached thereto). The term "small off-road vehicle" shall mean golf carts and all terrain vehicles (ATV's) (and shall also be deemed to include any trailer attached thereto).
2. Concessionaire's motor vehicle, small off-road vehicle, and any trailer attached thereto shall only be allowed on the beachfront for purposes of supplying the concession operation(s), and to initially deploy equipment at the beginning of the day, remove equipment at the close of operations each day, and must be removed from the beachfront immediately thereafter. Anyone operating a motor vehicle or small off-road vehicle for or on behalf of Concessionaire must have a current valid Florida Driver's License. Said supplying and removal operations shall only be permitted during Concessionaire's regular hours of operation, and shall be completed safely. **No motor vehicle, or small off-road vehicle, and any trailer attached thereto, will be permitted on the beach after sunset or prior to sunrise.** Access to the beach shall only be permitted via the predetermined and assigned beach access points/dune crossovers authorized for such use and nearest to the concession operation as reflected in the Vehicle Information Sheet.
3. Motor vehicles or small off-road vehicles, including any trailers attached thereto, operated on the beachfront shall not exceed 5 M.P.H. and shall only operate on the "hard packed sand" area in the immediate vicinity of the concession, or to-and-from the predetermined and assigned beach access point. After transporting equipment to a Concession Area (as said area is delineated in the "Beachfront Concession Layout" diagram attached to the City's Agreement with Concessionaire authorizing the operation of a beachfront concession, the motor vehicle, or small off-road vehicle, and any trailer attached thereto, shall be removed from the beachfront area and parked in a legally authorized location of the beach. Driving on the beachfront area shall be kept to a minimum. No concession related vehicular traffic will be permitted on the beach, at any time or for any purpose, other than as stated and as approved herein. Driving from one Concession Area to another to service, supervise, or for any other reason, is prohibited. Concessionaire must exit onto the street as provided above to access other locations. All motor vehicles and small off-road vehicles, including trailers attached thereto, operated on the beach must have a tire-to-ground pressure of ten pounds per square inch (10 p.s.i) or less.
4. Eighteen-inch (18") high cones, orange in color, shall be placed in front of, and at the rear of a motor vehicle when parked on the beach. Motor vehicle and small off-road vehicle operator must inspect the vehicle perimeter and surrounding area, prior to turning the vehicle ignition switch, to assure a clear path of egress and only proceed with extreme caution. Motor vehicles and small off-road vehicles must always remain on the "hard-packed" sand area. Driving or parking on any "soft-sand" area is prohibited.

5. All motor vehicles must have signage, on each side, with the name of the concession operator in 4" high letters on a contrasting background, using a standard Helvetica type font.
6. All small off-road vehicles must have signage with the name of the Concessionaire in 4" high letters on a contrasting background, using a standard Helvetica type font.
7. **Each concession operation shall be limited to the use of one (1) vehicle (whether said vehicle is a motor vehicle or a small off-road vehicle), and one (1) trailer attached thereto, to supply and/or service a concession operation.**
8. Due care and caution must be utilized at all times while driving any motor vehicle or small off-road vehicle, and any trailer attached thereto, on the beach.
9. Prior to entering the beach area, drivers will turn on their vehicle headlights and flashers, if available.
10. Both the passenger and driver's side front windows of the motor vehicle shall be rolled down while operating said motor vehicle on the beach.
11. All motor vehicles and small off-road vehicles, and any trailers attached thereto, shall stay **west** of the garbage cans on the **hard packed sand** at all times. The only exception to this rule is for concession operations that have been authorized to conduct watersports activities and are in the process of deploying, servicing, or removing watersports equipment from the concession operation. Said deployment, servicing, or removal of watersports equipment must be conducted with no less than one additional concession employee that will be positioned on the beachfront, to directly supervise and guide, said deployment, service, or removal operation, to ensure the safety of the beach going public. Additionally, during any deployment, service, or removal operation, the Concessionaire shall be responsible to place no less than eight (8), eighteen-inch (18") high cones, orange in color, no less than four (4) on the northernmost boundary and no less than four (4) on the southernmost boundary of the projected path (from hard-packed sand to the shore line) of the motor vehicle or small off-road vehicle, to create a clear non-obstructed path perpendicular to the shoreline, of no less than twenty-five feet (25'-0") in width (when measured from north to south). Vehicle driver and supervising concession employee must independently inspect the vehicle perimeter, surrounding area, and path (once marked) prior to turning the vehicle's ignition switch, to assure a clear path of ingress to the shoreline or egress to the hard packed sand and only then, proceed with the respective operation with extreme caution to ensure the safety of all beachfront patrons.
12. Use of a cellular phone by the driver while the motor vehicle is in motion is prohibited. Motor vehicle gear shift must be placed in the "park" position and the emergency break engaged prior to any use of a cellular telephone by the driver.
13. Concessionaire, its employees, and contractors, are prohibited from driving their personal vehicle, whether said vehicle is a motor vehicle, small off-road vehicle, or any other type of vehicle (e.g. motorcycle), on the beach at anytime.

14. Any motor vehicle or small off-road vehicle not reflected in the attached "Vehicle Information Sheet", and/or not approved by the City, will be required to leave the beachfront immediately. Three (3) or more notices from the City of this violation may, at the discretion of the City, lead to the City's immediate revocation and/or termination of the Concessionaire's Agreement to operate its beachfront concession.
15. No motor vehicle, or small off-road vehicle, or any trailer attached thereto, may be parked or left unattended on the beach, at any time or for any reason.

Please complete the attached Vehicle Information Sheet and submit same to:

City of Miami Beach
Office of Asset Management
1700 Convention Center Drive
Miami Beach, Florida 33139

Additionally, please provide an updated Certificate of Insurance, as proof of vehicle liability insurance (**City of Miami Beach must be named as an additional insured**), in accordance with the current insurance requirements in the Rules and Regulations. Vehicle insurance shall be provided covering all owned, leased, and hired vehicles and non-ownership liability for not less than the following limits:

- Bodily injury..... \$1,000,000 per person
- Bodily injury..... \$1,000,000 per accident
- Property Damage..... \$1,000,000 per accident

Notwithstanding any of the aforesaid rules governing the use of motor vehicles, small off-road vehicles, and any trailer attached thereto, on the beach, any and all language, not otherwise here amended, contained in the Rules and Regulations and/or the Concession Agreement by and between the Concessionaire and the City shall continue to remain in full force and effect.

I would like to thank you in advance for your prompt attention to this matter, and your continued cooperation in this regard. If you have any questions or require additional clarification, please do not hesitate to contact me or my assistant, Robert Reboso, at (305) 673-7193.

PLEASE BE ADVISED THAT FAILURE TO SUBMIT THE REQUESTED VEHICLE INFORMATION SHEET AND UPDATED CERTIFICATE OF INSURANCE (REFLECTING VEHICLE LIABILITY COVERAGE) PRIOR TO MARCH 31, 2003, MAY RESULT IN THE CITY'S IMMEDIATE TERMINATION OF YOUR AGREEMENT TO OPERATE A BEACHFRONT CONCESSION.

Sincerely,

Jose Damien
Asset Manager

JD:rlr

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COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **DISCUSSION ON THE CREATION OF A TASK FORCE COMMITTEE TO DISCUSS AND RECOMMEND CONDOMINIUM REFORM ITEMS.**

The issue of condominium reform is challenging due to the nature of common ownership. In a typical situation, "condominium" refers to a form of ownership where individuals own in fee a portion of a building and/or property that they occupy on a permanent or semi-permanent basis and where shared areas of the building and/or property are owned collectively. In this example, common facilities and equipment, such as exterior walls, certain exterior windows/doors, water/sewer, electric systems, telephone systems, fire protection systems, environmental controls, elevators, stairwells, etc., are collectively owned and operated by an association consisting of unit owners. In many cases, especially for larger buildings with higher numbers of units, the association will contract with a "management company" to handle the administration of daily needs, such as maintenance, payments, common repairs, rental/assignment of facilities, etc.

Within this structure, the governance of condominiums is largely a private matter that is isolated to the unit owners themselves. Typically, there is an implementing charter for the condominium association which contains the bylaws, rules, and authority under which the condominium association operates. Individual unit owners are usually required to sign a binding contract with the association that acknowledges the bylaws, the authority contained within the bylaws, and includes an agreement by the unit owner to abide by the bylaws and rules.

COMPREHENSIVE EFFECT OF CONDOMINIUM ACT

Condominiums are regulated by the state via Chapter 718 of the Florida Statutes. The stated purpose of Chapter 718 is as follows:

- (1) To give statutory recognition to the condominium form of ownership of real property; and,
- (2) To establish procedures for the creation, sale, and operation of condominiums.

Moreover, the Legislature's intent in broadly regulating this area is reflected in the purposes stated in §718.102 that "[e]very condominium created and existing in this state shall be subject to the provisions of this chapter."

Agenda Item R9H

Date 12-7-05

When the State enacts legislation that comprehensively and extensively regulates an area, such as in the Florida Condominium Act, local governments may be limited in their ability to adopt local regulations due to the doctrine of preemption. Moreover, regardless of preemption, local governments cannot enact regulations which conflict or are inconsistent with State law. For a more detailed discussion of preemption and conflict, please see the attached analysis.

LIMITED AREAS OF LOCAL REGULATION

In 1998, the State Legislature further expanded the State's regulation of this area by adopting § 718.621 which specifically authorized the Division of Florida Land Sales, Condominiums and Mobile Homes to promulgate rules concerning condominium conversions. Local governments under the Act are authorized to act in limited areas and are not, as in other state laws, expressly given the authority to enact more stringent requirements. Although the area of condominium conversion is largely and extensively regulated by the State, local governments are not entirely preempted from enacting legislation in this area and suggested avenues of local action are discussed herein.

HISTORY OF THE ISSUE

Previous discussion on this issue focused on ways to improve the notice requirements and the types of information provided by condominium associations to both current and prospective unit owners. These ideas are well articulated in the attached memos from members of the Commission.

On September 7, 2005, the City Commission referred the issue of Condominium reform to a Joint Meeting of the Land Use and Neighborhoods Committees. This Joint meeting was held on November 14, 2005. During the meeting, several items were discussed, including specific legal constraints, potential items that the City may be able to regulate, the role of management companies and/or agents, increased efforts by the City to notify unit owners of City actions, potential state lobbying efforts, and the potential creation of a resident task force to consider the issue. The Joint Committee requested the City Attorney and the City Manager to provide to the Commission additional detail with regard to the legal constraints as well as a list of potential actions the City may consider.

POTENTIAL AREAS OF DISCUSSION

a) Adopt Stricter Building Code Requirements

Consider amendments to the City Code that affect all buildings on Miami Beach. An example is the Building recertification process for historic buildings that is currently going through the Committee process. This proposal would require all buildings older than 40 years to be recertified every 5 years. The key here is to evenly apply any changes to all buildings.

b) Expand Content of Municipal "Zoning Letter"

It has been suggested by Rudolph Prinz, Bureau Chief for the Standards and Registration Division of the Department of Business and Professional Regulation that a municipality's zoning "letter," required to be issued pursuant to Section 718.616(4), Fla. Stat., can provide other information, in addition to that regarding "compliance with applicable zoning requirements". In such zoning "letter," a municipality can notify the State of any problems or special consideration which should be given to a particular conversion application because the condition of the building may not be fully or accurately reflected in the architect or engineer's report. As explained by Mr. Prinz, a municipality's "zoning letter" may be used, and has been used, as an opportunity to advise the State of concerns which can then be addressed at the State level and which could trigger the State to require "other" information pursuant to Section 718.502(5), Fla. Stat., in the developer's offering statement.

Specifically, Section 718.502(5) states that "[i]n addition to those disclosures described by s.s. 718.503 and 718.504, the division is authorized to require such other disclosure as deemed necessary to fully or fairly disclose all aspects of the offering."

c) Public Education and Notification

Look at efforts aimed at increasing the City's communication with Condominium residents with regard to City issued code violations. Efforts could include a requirement to visibly post any or all violations issued to a condominium address, community workshops, improved website communications, etc.

d) Urge the Legislature to Strengthen the Condominium Act

A local government can also lobby its legislators to make specific changes to Chapter 718. For example, disclosure requirements could be strengthened by the State to address concerns that sufficient information is not currently provided on the report required under Section 718.616, or that the report should go through a more thorough analysis or review when received by the State.

Additional areas that the City Commission may wish to explore include, but are not limited to, the following legislative changes:

- 1) For hotel/condominiums conversions where the unit sizes/use are restricted to transient use - have the condominium documents reflect this restriction and require that all purchasers have this disclosed to them in writing and that they execute an acknowledgement to this restriction.
- 2) Disclosure in writing by realtors, registered agents, and/or other professionals involved in marketing and selling hotel/condominium units to prospective purchasers any and all restrictions and code violations.
- 3) Encourage the State to create the statutory provisions to allow conduit financing through counties and municipalities to provide for interest free loans to condominiums to correct significant building, fire, and/or life safety violations at no risk to the participating local government (similar to Industrial Revenue Bonds).

- 4) Encourage the State to create a grant program to partially offset the costs of building, fire, and life-safety related significant renovations for older structures.
- 5) Amend Occupational License Code to require at renewal, proof that all unit owners have been provided notice of all code violations in the building's common areas.
- 6) Further modify the lien search and violation search request form to encourage the requestor to seek information on common areas in addition to a prospective unit.
- 7) Create a community based taskforce to discuss these ideas and/or generate additional ideas to recommend to the City Commission. Suggestions discussed included each Commissioner appointing one to two representatives each. The suggestion was to have the taskforce sunset after a set period of time. Discussion on this point included concerns about how staff resources could or would be assigned to support the taskforce.

An additional concern that should be considered is the scheduling of such a taskforce which typically consists of resident volunteers, many of whom may have certain scheduling constraints. Previous attempts at scheduling similar taskforces have proven problematic when it comes to confirming a date and time that the majority can agree upon. If this option is chosen, then some consideration should be given to whether or not quorum is required, whether set meeting dates are appropriate, and how the taskforce should be structured.

ATTACHMENT

PREEMPTION AND CONFLICT ISSUES

A local ordinance can be invalidated by "either preemption of the subject by the state or conflict with state law." City of Miami Beach v. Rocio Corp., 404 So. 2d 1066, 1067 (Fla. 3rd DCA 1981). Moreover, "preemption need not be explicit, so long as it is clear that the legislature has clearly preempted local regulation of the subject." City of Miami v. Wellman, 875 So. 2d 635, 640. (Fla. 3d DCA 2004). Courts may imply preemption when "the legislative scheme is so pervasive as to evidence an intent to preempt the particular area and where strong public policy reasons exist for finding an area to be preempted by the Legislature."¹ Tallahassee Memorial Regional Medical Center, Inc. v. Tallahassee Medical Center, Inc., 681 So. 2d 826, 831 (Fla. 1st DCA 1996) (citing Tribune Co. v. Cannella, 458 So. 2d 1075 (Fla. 1984)). Moreover, preemption may exist as to narrow topics within a broader topic of a state law. See Phantom of Clearwater v. Pinellas County, 894 So. 2d 1011, 1019-1021 (Fla. 1st DCA 2005) (although county was not preempted entirely from legislating in area of fireworks, some aspects of state law arguably preempted county and certain penalty provisions of county ordinance were found to be in conflict with state law).

¹ "If there is any doubt as to the extent of a power attempted to be exercised which may affect the operation of a state statute, the doubt is to be resolved against the ordinance and in favor of the statute." Wellman, 875 So. 2d at 640 (citing Rocio, 404 So. 2d at 1069 (Fla. 3d DCA 1981)). In Rocio, the Third District, interpreting the 1979 Florida Condominium Act, which pre-dated the Roth Act (Part IV of Chapter 718 entitled "Conversions to Condominium"), found that although the 1979 version of the Act did not expressly, or by implication, preempt the subject of condominium conversion to state government, a City of Miami Beach ordinance conflicted with state law because conduct permitted by the State was not allowed by the City ordinance via the imposition of a supplementary burden (*i.e.*, a 90 day moratorium on conversions). Therefore, the City's ordinance was enjoined from enforcement. Subsequently, the State Legislature corrected the problem, that was attempted to be addressed by the City, when it enacted the Roth Act. That Act allowed counties to enact legislation to provide for lease extensions to address shortages in rental units due to condominium conversions. Indeed, both Dade and Broward Counties enacted such limited legislation in 1980. See § 17-01, Miami-Dade County Code; §§ 5-299 thru 5-301, Broward County Code.

Under the current version of Florida Condominium Act, extensive and comprehensive regulations for condominiums and conversions are provided. In addition, the Act only authorizes local government to act in limited² areas and does not specifically authorize local governments to enact legislation which would be more restrictive than the State's requirements.³ Moreover, in 1998, the Florida Legislature enacted § 718.621 which specifically authorized the Division of Florida Land Sales, Condominiums, and Mobile Homes to promulgate rules concerning condominium conversions. For all of these reasons, local governments may be precluded from adopting legislation that would impose stricter condominium conversion requirements. Moreover, regardless of the extent to which local governments are preempted by the Condominium Act, condominium conversion requirements cannot be adopted that would conflict with state law.⁴

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2 For example, a) § 718.606 (6) allows counties to enact legislation to extend rental agreements where there is a "grave housing emergency;" b) § 718.507 provides that local building and zoning laws must not discriminate as to the condominium form of ownership and must apply equally to all buildings and improvements of the same kind, see Lifter v. Metropolitan Dade County, 482 So. 2d 479 (Fla. 3d DCA 1986) (county zoning ordinance requiring notice from subdividers of hotels and motels of continued compliance with density and parking requirements did not conflict with Condominium Act); and c) § 718.616(4) requires a developer to file, with its disclosure, a letter issued by a municipality which acknowledges compliance with the applicable zoning requirements.

3 Examples of state laws that have expressly allowed local government to enact more restrictive laws include § 553.73(4)(b) of the Florida Building Code which authorizes local governments to adopt "more stringent" technical provisions "than those specified in the Florida Building Code." See also GLA and Assoc.s, Inc. v. City of Boca Raton, 855 So. 2d 278 (Fla. 4th DCA 2003) (city ordinance providing stricter setback requirements not preempted by state Shore Preservation Act where Act expressly authorized municipalities to impose setback requirements "equal to, or more strict than" the Act).

4 The General Counsel for the Department of Business and Professional Regulation, concurs with our concern relative to the adoption of legislation that would impose stricter restrictions on condominium conversions as such may be preempted by, or conflict with, state law.



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: December 7, 2005

SUBJECT: **DISCUSSION OF HISTORIC PRESERVATION BOARD RESOLUTION PERTAINING TO THE DOWN ZONING OF FLAMINGO PARK OR THE REDUCTION OF MAXIMUM BUILDING HEIGHTS ON OCEAN FRONT LOTS.**

ADMINISTRATION RECOMMENDATION

Discuss the proposed changes to the Code recommended by the Historic Preservation Board pertaining to the down zoning of Flamingo Park and the reduction of maximum building heights on ocean front lots, and refer the items to the Land Use Committee to be studied as part of the City's overall growth management initiative.

ANALYSIS

On August 9, 2005, the Historic Preservation Board adopted a Resolution recommending Ordinance Amendments pertaining to the following:

1. To lower the maximum allowable height for attached or detached additions to existing contributing buildings on ocean front lots in all Historic Districts to two (2) stories.
2. To lower the maximum allowable FAR from 1.25 to 1.0 and the maximum allowable height from 4 stories/40 feet to 3 stories/30 feet, in the RM-1 zoning district within the Flamingo Park Local Historic District.
3. To require that all portions of parking pedestals facing public rights-of-way, the ocean or the bay, when located in residential districts, be lined with residential units.

On September 8, 2005, the City Commission referred this Resolution to the Land Use and Development Committee. On October 10, 2005, the Land Use Committee recommended that all three (3) Historic Preservation Board resolutions be referred to the full Commission for discussion, with a recommendation for referring the proposed parking pedestal amendment to the Planning Board.

Agenda Item R9I
Date 12-7-05

At the October 19, 2005 City Commission meeting the Land Use and Development Committee report was adopted as part of the consent agenda (see attached), but there was no discussion regarding the down zoning of Flamingo Park or the reduction of maximum building heights on ocean front lots.

The recommendation regarding parking pedestal design was presented to the Planning Board on November 22 and the item was transmitted to the City Commission with a favorable recommendation.

FISCAL IMPACT

The revisions to the Land Development Regulations proposed by the Historic Preservation Board will have an impact on the development rights for properties in the Flamingo Park District, as well as ocean front properties, which could potentially impact property tax revenue for the City.

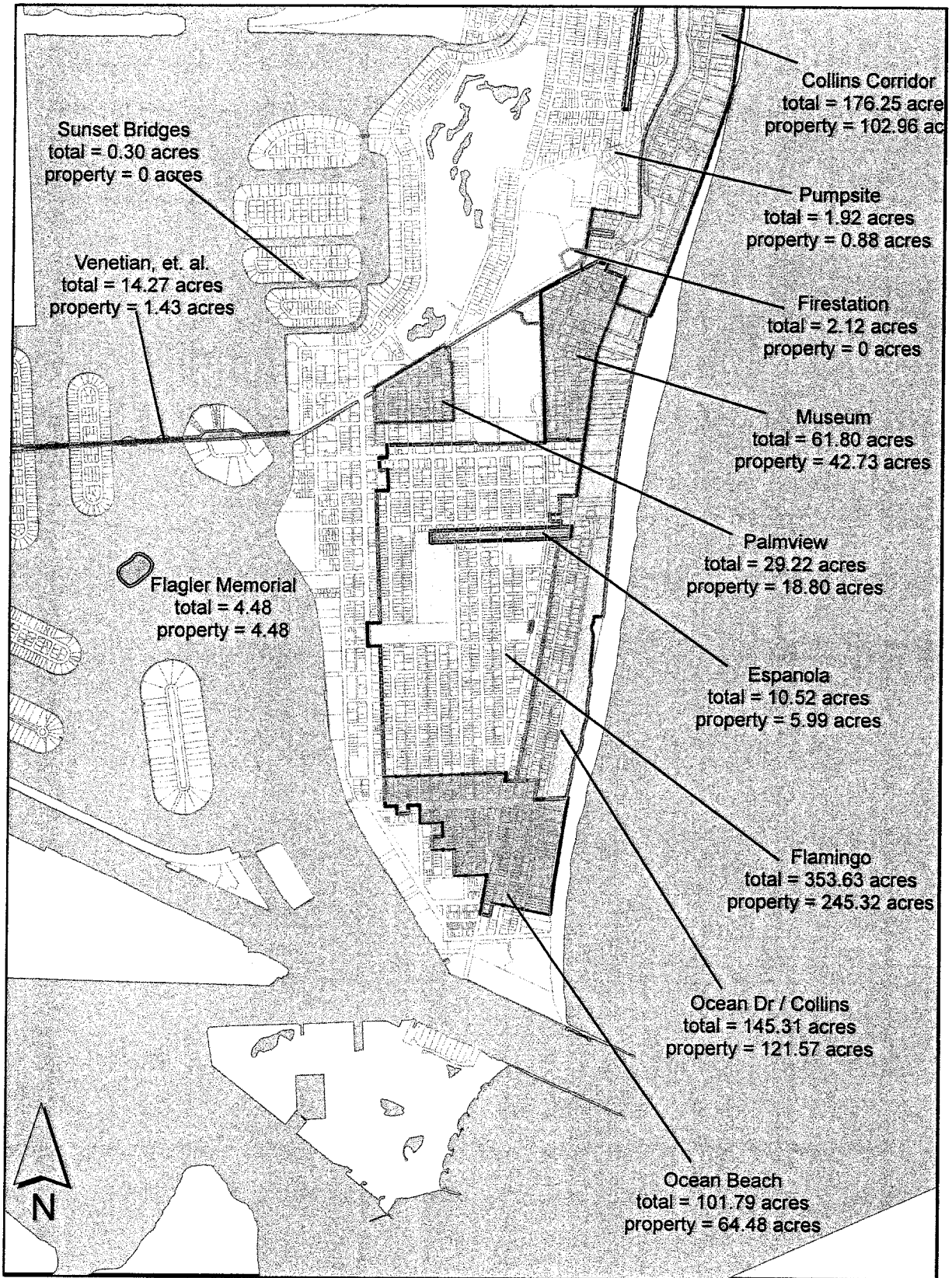
CONCLUSION

Discuss the proposed changes to the Code and refer the items to the Land Use Committee to be studied as part of the City's overall growth management initiative.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

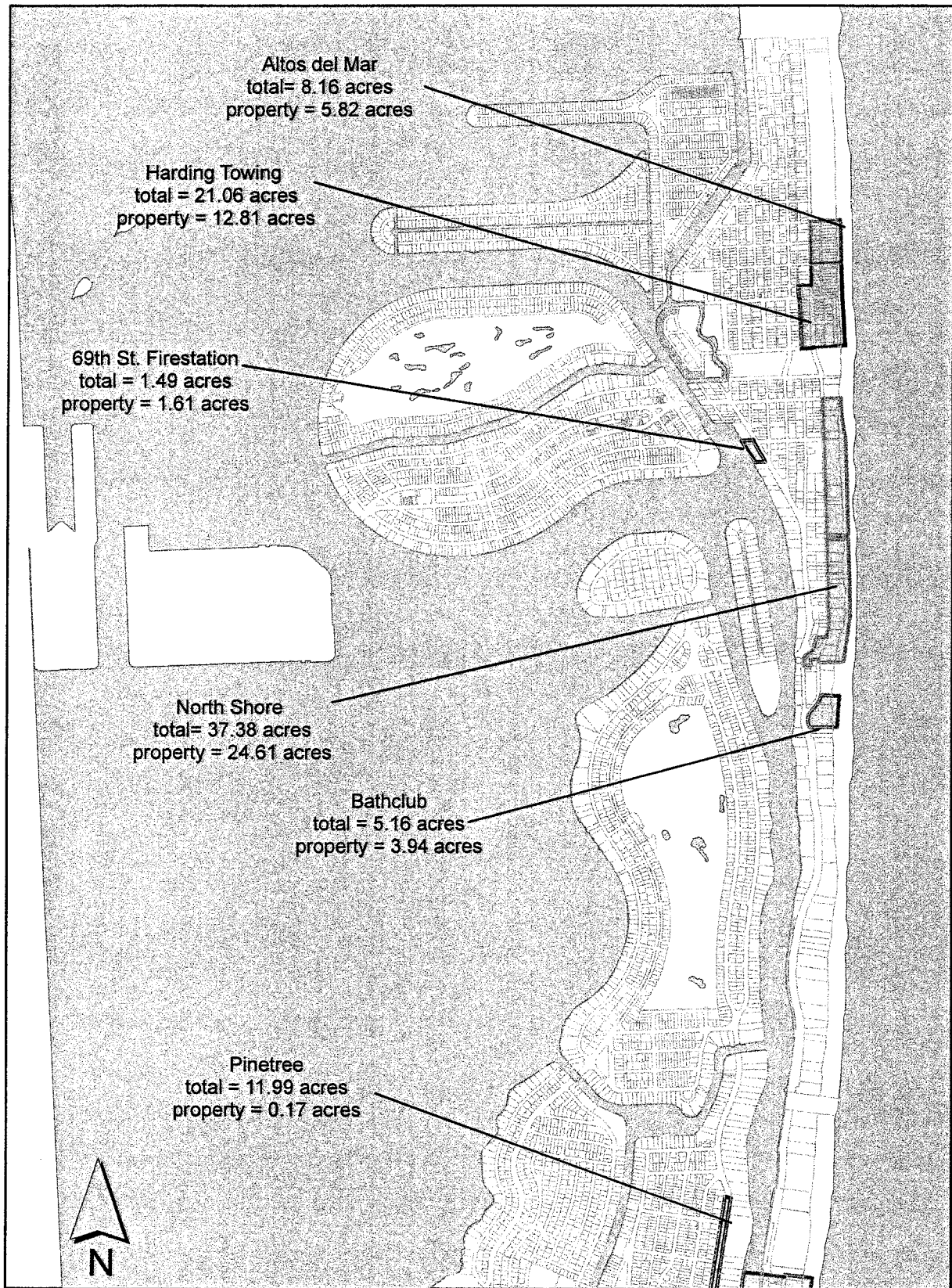
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City of Miami Beach Historic Districts Areas



Entire MB	Hist MB	Ocean/Col	Flamingo	Espa.	Palmview	Museum	Dade F.S.	Pumpsite	Venetian	Col Corrid	Sunset B	Ocean B	Flag
4008.98	968.84	145.31	353.63	10.5	29.22	61.8	2.12	1.92	14.27	176.25	0.3	101.79	4.48
3569.91	657.57	121.57	242.32	5.99	18.8	42.73	0	0.88	1.43	102.96	0	64.48	4.48

City of Miami Beach Historic Districts Areas



	entire MB	Hist MB	Pinetree	Bath Club	Norths	69th F.S.	Harding T	A.D. Mar
Total acreage	4008.98	968.84	11.99	5.16	37.38	1.49	21.06	8.16
Property acreage	3569.91	657.57	0.17	3.94	24.61	1.61	12.81	5.82




MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez 

DATE: December 7, 2005

SUBJECT: **NIGHTLIFE INDUSTRY TASK FORCE – EXTENSION OF HOURS FOR SATURDAY, DECEMBER 31, 2005 – SUNDAY, JANUARY 1, 2006.**

The Nightlife Industry Task Force (NITE) was established in October 2001 in an attempt to provide greater communication and enhanced interaction between the nightlife industry and City staff.

At their November 22, 2005 meeting, the NITE requested that the City Commission consider granting an extension of hours for nightclubs to operate with extended hours during New Year's Eve, in recognition that New Year's Eve falls on Saturday (weekend) evening. Consistent with last year's request, the NITE has not requested any extensions of hours this year for any other date, in recognition of the overburdened Police Department staffing demands and respecting the community's public safety needs and enjoyment of quality of life. As was done for New Year's Eve 2000, 2001, 2002, 2003, and 2004, if the City Commission is desirous of implementing the extension of club hours for Saturday (12/31/05) evening through Sunday (1/1/06) morning only, the following motion should be adopted:

Motion to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 am liquor license to extend their hours of operation to 7:00 am on Sunday, January 1, 2006 and to be allowed to serve alcohol, and further instructing the Administration not to enforce the 5:00 am closing requirements for qualifying establishments. Any club which will remain open must notify the Police Department and the Neighborhood Services Department's Code Compliance Division by letter, by Thursday, December 22, 2005, must provide off-duty police officers if the Police Department deems appropriate and must comply with the following additional criteria:

1. No pending violations
2. Do not owe the City money
3. No outdoor entertainment or open-air entertainment
4. No permission granted to violate the noise ordinance

If there are any problems during the weekend, this action may be rescinded by the City Manager.

During last year's discussion, an additional recommendation was made not to allow extended hours at locations where entertainment is a non-conforming use. The Commission did not adopt this recommendation, but it is included once again for your consideration.

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Agenda Item R9J
Date 12-7-05

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c: Bob
Tim
Hilda
Lilia



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE GONZALEZ
CITY MANAGER**

FROM: RICHARD STEINBERG RLS/MT
COMMISSIONER

DATE: November 30, 2005

RE: Hurricane Task Force

As discussed during the November 2nd Commission meeting, I would like the Commission to consider at our December 7th Commission meeting the creation of a task force to examine the City's readiness and response to the two hurricanes we experienced this year. While I commend the Manager and his staff for a phenomenal job, I believe a review by individuals appointed by the Mayor and Commission could lead to even better results in the future. While not an exhaustive list, the Hurricane Task Force should include the following subjects in their analysis:

1. Means of improving the reliability of the electrical system (including, but not limited to, maintenance of utility equipment and landscaping as well as undergrounding)
2. Restriction of the anchorage of boats during storms
3. Generators for gas stations & elevators in residential buildings
4. Vegetation salvage & restoration after storms

I suggest that the Mayor and Commission each appoint a member to the Task Force and will be happy to serve as a Commission liaison to the Task Force. I also ask that my colleagues make suggestions to the Task Force for items that they believe warrant analysis.

If you have any questions, please feel free to contact my Aide, Ms. Marlene Taylor, at extension 6087.

RLS/mt

Agenda Item R9K
Date 12-7-05

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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

Luis R. Garcia Jr.

DATE: DECEMBER 1, 2005

RE: AGENDA ITEM

Please place an item on the December 7th Commission agenda to revisit the attached Ordinance allowing any establishment that had a license to present full nude entertainment, to sell and serve alcohol as long as it was in compliance with all other City and State laws.

Attachment

Thank you.

Agenda Item R9L
Date 12-7-05

Club Madonna, Inc.

1527 Washington Avenue ~ Miami Beach, Fl. 33139

November 28 2005

Dear Mayor Dermer and City Commissioners:

As I am sure you recall, last year the City Commissions of Miami Beach had the opportunity to amend Section 6-40 of the City of Miami Beach Code which at the current time prohibits nudity and the sale of alcohol in the same establishment. The amendment to Section 6-40 would have allowed any establishment that had a license to present full nude entertainment, to also sell and serve alcohol as long as it was in compliance with all other City and State laws.

On first reading, the Ordinance passed and seemed headed for final passage. However, Commissioners are allowed to change their minds and that was the case at the final vote. The Vote was 3 to 3 when Mayor David Dermer cast the deciding vote against allowing alcohol in nude establishments.

Since that time, Club Madonna has filed a federal lawsuit to secure the rights of alcohol and nudity. Based upon consultation with the City's legal department, after the City's Motion to Dismiss the Complaint was denied by the Federal District Court Judge, Club Madonna decided to dismiss that lawsuit. It is not Club Madonna's desire to be in litigation with the City. Rather Club Madonna's desire is to be part of the City, part of the entertainment that the City provides, and not to be adverse with the City but to work in conjunction with it. It is Club Madonna's desire to have the City agree that alcohol with nudity at Club Madonna is not a hazard to the City, and therefore should be allowed, rather than the City being forced to accept this proposition through the rulings of a Federal District Court Judge.

Because the vote the last time this issue came up was so close (i.e. the first time it passed the second reading it was defeated 4 to 3), I am asking you to have this matter once again brought up before the City Commission. Since the time of the last vote on this issue, the Commissioners have had time to reflect and observe that Club Madonna is not a source of adverse secondary effects for the City. Hopefully, the City now realizes that nude entertainment with alcohol keeps some of the tourist trade on the beach rather than allowing it to go across the causeways and has economic benefit for the City of Miami Beach.

In any event, I thank you for your courtesy and consideration in this matter.

Sincerely,



Leroy C. Griffith



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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.
COMMISSIONER**

DATE: DECEMBER 1, 2005

RE: AGENDA ITEM

Please place as a discussion item on the December 7th Commission agenda the status of the Convention Center expansion. Also, the Board Chair of the GMCVB Ms. Maria Sastre has requested to speak on the matter, (see attached e-mail), therefore a time certain is required.

Attachment

Thank you.

Agenda Item R9M
Date 12-7-05

Rodriguez, Esther

From: William Talbert III [talbert@gmcbv.com]
Sent: Thursday, December 01, 2005 7:01 AM
To: Garcia, Luis; Meyer, Sandra
Cc: William Talbert III
Subject: Request to appear before the City Commission


Pursuant to GMCVB Executive Committee action this week we are asking for an opportunity for our Board Chair Maria Sastre to appear at the next City Commission meeting regarding the urgent need to start construction on the funded improvements to the Miami Beach Convention Center. Thanks in advance for your assistance.

Sent from Bill Talbert's BlackBerry Wireless Handheld/ President & CEO/ Greater Miami Convention & Visitors Bureau/ **The Official Destination Marketing Organization of Greater Miami www.MiamiandBeaches.com Talbert@MiamiandBeaches.com GMCVB1@aol.com
305-794-5418 cell/Blackberry PIN 20298ACC Visit Miami Now

- * Sales & Marketing
- * Customer Service
- * Advocacy
- * Infrastructure
- * Performance Measures

**CITY OF MIAMI BEACH
CITY ATTORNEY'S OFFICE**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin 
City Attorney

DATE: December 1, 2005

SUBJECT: Notice of Attorney- Client Session

Pursuant to Section 286.011(8), Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

Frank Otero v. City of Miami Beach, Florida, La Gorce Country Club, Inc. and DM Fence Corporation. The Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, Case No. 05-17754 CA 04- LEESFIELD.

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on December 7, 2005 in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above referenced litigation matter.

The following individuals will be in attendance: Mayor David Dermer, Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia, Jr., Saul Gross, Jerry Libbin and Richard Steinberg; City Manager Jorge M. Gonzalez, City Attorney Murray H. Dubbin and First Assistant City Attorney Gary Held.

Agenda Item R10A
Date 12-7-05



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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

**FROM: SIMON CRUZ SC
COMMISSIONER**

DATE: NOVEMBER 30, 2005

RE: LAGORCE HOMEOWNERS LAWSUIT UPDATE

Please schedule an executive meeting to discuss the status of the lawsuit between the City and the LaGorce/Pinetree Homeowners Association.

SC/sm

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: December 7, 2005

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin
City Attorney

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. United States of America vs. 2.50 Acres of Land, More or less, in the County of Dade; and Jose Rodriguez, et al. United States District Court, Southern District, Case No. 04-21713-CIV-VLOCH/DUBE'

Federal Condemnation action for property located outside the City limits. City has a prior lien, in the amount of \$318, against property owner. Answer due 11/20/05.

2. Household Finance Corporation, III, a corporation, v. Joseph Simmons, Defendant, City of Miami Beach, Garnishee. Eleventh Judicial Circuit, Case No. 05-08216 SP 05

This is a garnishment cases wherein the wages of a City of Miami Beach employee, Joseph Simmons, have been garnished to pay an outstanding debt. The Finance Department administers the wage deductions for a small fee pursuant to instruction of the Court. The Legal Department, after the garnishment begins, receives a Garnishment Fee of \$100, having been retained by the Court in the Clerk's office, for the Garnishee's fees. The City has received its \$100 garnishee fee in this case.

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
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December 7, 2005

3. Angela Chain vs. Marsha Miller, Barbara Miller, Deanne Hutton and City of Miami Beach. Eleventh Judicial Circuit, Case No. 05-20635 CA30

This is a suit by a potential beneficiary of a deceased City employee who seeks death benefits from the City. Since the decedent left another beneficiary designation, plaintiff asks the City to interplead the funds into the registry of the Court. The City will be moving to dismiss the Complaint because the appropriate party would be the Pension Board, not the City.

4. BAC Florida Bank vs. Nathalie Poulin, et al. Eleventh Judicial Circuit, General Jurisdiction Division. Case No. 05-17280 CA27

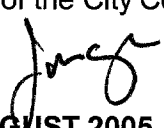
This is a mortgage foreclosure case for real property located at 1717 N. Bayshore Drive, Miami. Although this property is not located on Miami Beach, and Answer was filed on September 21, 2005 in order to protect any potential interests the City may have.

5. Asset Acceptance Corporation, as assignee of First Union National Bank vs. Keith A. Duncan, Defendant and City of Miami Beach, Garnishee. Eleventh Judicial Circuit, Civil Division. Case No. 01-22788 SP 05 (04)

This is a garnishment case wherein the wages of a City of Miami Beach employee, Keith A. Duncan, have been garnished to pay an outstanding debt. The Finance Department administers the wage deductions for a small fee pursuant to instruction of the Court. The Legal Department, after the garnishment begins, receives a Garnishment Fee of \$100, having been retained by the Court in the Clerk's office, for the Garnishee's fees. The City has received its \$100 garnishee fee in this case.



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: City Manager Jorge M. Gonzalez 
DATE: December 7, 2005
SUBJECT: **PARKING STATUS REPORT – AUGUST 2005**

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of August 2005. In August 2005, gross revenues at attended facilities (garage and lots) increased by 6.40% as compared to the prior year's period. During the month of August 2005, the Parking Department's attended locations earned a net profit of \$455,978.62. This is an increase in net profit of \$11,630.52 or 2.62% as compared to the same period in the prior year. The year to date net profit is \$5,844,075.87. This is a decrease in net profit of \$213,510.90 or 3.52%.

A) 17th Street Municipal Parking Garage: August 2005

During the month of August 2005, the 17th Street Garage had net revenues of \$166,890.29. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$63,180.00, transient parking revenues of \$97,410.29 and valet rental fees of \$6,300.00. Net revenues decreased from \$170,327.29 in 2004, to \$166,890.29 in 2005; a 2.02% decrease in net revenues. After subtracting operating expenses of \$96,972.32 the facility had a net profit for the month in the amount of \$69,917.97. This represents a decrease in net profit for the facility in the amount of \$10,439.91 or 12.99% when compared to the same period in the previous year. This decrease is primarily attributable to a decrease in transient parking revenue of \$9,557.00 off-set by an increase in access-card revenue of \$6,120.00; an increase in attendant/cashier labor expense of \$11,252.11 and an increase in garage cleaning/maintenance expense of \$5,488.92 off-set by a decrease in security personnel of \$2,816.48 and a decrease in revenue control equipment maintenance of \$7,168.90. The 17th Street Garage served a total of 69,543 parkers in the month of August, 2005.

B) 7th Street Municipal Parking Garage: August 2005

During the month of August 2005, the 7th Street Municipal Parking Garage had net revenues of \$176,659.33. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$16,060.00 and transient parking revenues of \$160,609.33. When compared to the same month in the prior year (August 2004), net revenues increased from \$171,022.43 in 2004 to \$176,659.33 in 2005; a 3.30% increase in net revenues. After subtracting operating expenses of \$81,912.29 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$35,247.04. This is a decrease in net profit of \$14,281.15 or 28.83% from August 2004. This decrease is primarily attributable to an increase in attendant/cashier labor expense of \$6,703.28, an increase in landscape maintenance expense of \$14,669.00, and increase in garage cleaning/maintenance expense of \$4,378.00 off-set by a decrease in security personnel of \$4,507.88, a decrease in elevator maintenance of \$1,295.00; an increase in access-card revenue of \$2,250.00 and an increase in transient parking of \$3,386.90. The 7th Street

Garage served a total of 26,658 parkers in the month of August, 2005.

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): August 2005

During the month of August 2005, the 5-A Surface Lots had net revenues of \$155,777.29. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$17,820.00 and transient parking revenues of \$137,957.29. Net revenues increased from \$141,292.91 in 2004, to \$155,777.29 in 2005; a 10.25% increase in net revenues. After subtracting operating expenses of \$39,670.66 the facility had a net profit for the month in the amount of \$116,106.63. This represents an increase in net profit for the facility in the amount of \$4,293.07 or 3.84% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenue of \$14,184.38; off-set by an increase in attendant/cashier labor expense of \$11,615.45 off-set by a decrease in revenue control equipment maintenance of \$1,111.12. The 5-A Municipal Surface Parking Lot served a total of 44,486 parkers in the month of August, 2005.

D) 12th Street Municipal Parking Garage: August 2005

During the month of August 2005, the 12th Street Garage had net revenues of \$38,375.82. Net revenues are comprised of facility-specific monthly parking revenues of \$3,840.00 and transient parking revenues of \$34,535.82. When compared to the same month in the prior year (August 2004), net revenues increased from \$35,576.60 in 2004, to \$38,375.82 in 2005; a 7.87% increase in net revenues. After subtracting operating expenses of \$21,109.47 the facility had a net profit for the month in the amount of 17,266.35. This is an increase in net profit of \$5,751.99 or 49.95% from August 2004. This increase is primarily attributable to an increase in transient parking revenues of \$4,059.22 off-set by a decrease in facility-specific monthly parking revenues of \$1,260.00; a decrease in security personnel of \$3,742.17, a decrease in elevator maintenance of \$2,932.00 off-set by an increase in attendant/cashier labor expense of \$3,741.15. The 12th Street Garage served a total of 5,995 parkers in the month of August 2005.

E) 13th Street Municipal Parking Garage: August 2005

During the month of August 2005, the 13th Street Garage had net revenues of \$71,374.05. Net revenues are comprised of facility-specific monthly parking permit revenues of \$8,460.00 and transient parking revenues of \$62,914.05. Compared to the same month in the prior year (August 2004), net revenues increased from \$40,2449.35 in 2004, to \$71,374.05 in 2005; representing a 77.33% increase in net revenues. After subtracting operating expenses of \$30,703.67, the facility had a net profit for the month in the amount of \$40,670.38. This is an increase in net profit of \$36,735.27 or 933.53% from August 2004. This increase is primarily attributable to an increase in transient parking revenues of \$31,004.70 and an increase in monthly parking permits of \$120.00; a decrease in attendant/cashier labor expense of \$4,844.68 (this decrease is due to a new automated pay on foot machine), a decrease in security personnel of \$2,848.49 off-set by a an increase in revenue control equipment maintenance expense of \$1,141.66 and an increase in elevator maintenance expense of \$1,485.00. The 13th Street Garage served a total of 13,860 parkers in the month of August 2005.

F) 16th Street-Anchor Parking Garage: August 2005

During the month of August, 2005, the 16th Street Garage had net revenues of \$160,116.34. Net revenues are comprised of facility-specific monthly parking revenues of \$32,150, transient parking revenues of \$91,550.46, and valet rental fees of \$36,415.88. Compared to the same month in the prior year (August 2004), net revenues decreased from \$165,690.19 in 2004, to \$160,116.34 in 2005; representing a 3.36% decrease in net revenues. After subtracting operating expenses of \$54,920.65 the facility had a net profit for the month in the amount of \$105,195.69. This is a decrease in net profit of \$12,803.24 or 10.85% from August 2004. This decrease is primarily attributable to a decrease in transient parking revenue of \$8,730.38 off-set by an increase in monthly parking revenue of \$4,350; an increase in attendant/cashier labor expense of \$11,557.40 and an increase in garage cleaning/maintenance expense of \$4,378 off-set by a decrease in security personnel of \$5,506.52 and a decrease in elevator maintenance of \$3,606.49. The 16th Street Garage served a total of 24,592 parkers in the month of August, 2005.

G) 42nd Street Municipal Parking Garage: August 2005

During the month of August, 2005, the 42nd Street Garage had net revenues of \$31,379.53. Net revenues are comprised of facility-specific monthly parking revenues of \$25,680.00 and transient parking revenues of \$5,699.53. Compared to the same month in the prior year of August (2004), net revenues increased from \$28,282.80 in 2004, to \$31,379.53 in 2005; representing a 10.95% increase in net revenues. After subtracting operating expenses of \$19,304.97 the facility had a net profit for the month in the amount of \$12,074.56. This is an increase in net profit of \$2,374.51 or 24.48% from August 2004. This increase is primarily attributable to an increase in facility-specific parking revenues of \$1,200.00, an increase in transient parking revenue of \$1,896.73, a decrease in security personnel expense of \$4,285.59; off-set by an increase in attendant/cashier labor expenses of \$1,083.36, an increase in revenue control equipment maintenance expense of \$1,891.66 and an increase in garage cleaning/maintenance expenses of \$1,595.50. The 42nd Street Garage served a total of 19,508 parkers in the month of August, 2005.

H) Electronic Parking Meter Revenue Comparison: August 2005

This statement compares parking meter revenue collected in August 2005, with revenue collected in August 2004. When comparing revenues for August 2005 in the amount of \$886,991.98 to revenues for August 2004 in the amount of \$844,994.02, the report reflects an increase of \$23,997.98 or 2.84% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of August 2005 decal and permit revenue received was \$83,032.23 and meter rental revenue (valet, construction, and special events) was \$99,579.73 versus \$90,106.66 and \$92,085.85 respectively in August 2004. The combined total revenue produced at meters for the month of August 2005 was \$1,051,603.94. This reflects an increase from the previous year in the amount of \$24,417.41 or 2.38%.

I) Parking and Transportation Smart Card Sales: August 2005

In the month of August 2005, the Parking Department sold 1,347 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$34,495.00.

J) Hotel Hangtag Sales: August 2005

In the month of August 2005, the Parking Department sold 1,700 hotel hangtags to hoteliers in the amount of \$12,600.

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY
August 2005**

LOCATION	REVENUE			EXPENSES			PROFIT/(LOSS)		
	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Percent o Increase/ (Decrease)
17 St. Garage	170,327.29	166,890.29	(3,437.00)	-2.02%	89,969.41	96,972.32	7,002.91	7.78%	-12.99%
7th St. Garage	171,022.43	176,659.33	5,636.90	3.30%	61,994.24	81,912.29	19,918.05	32.13%	-13.10%
17th St. Lots	141,292.91	155,777.29	14,484.38	10.25%	29,479.35	39,670.66	10,191.31	34.57%	3.84%
12th St. Garage	35,576.80	38,375.82	2,799.22	7.87%	24,062.24	21,109.47	(2,952.77)	-12.27%	49.95%
13th St. Garage	40,249.35	71,374.05	31,124.70	77.33%	36,314.24	30,703.67	(5,610.57)	-15.45%	933.53%
42nd St. Garage	28,282.80	31,379.53	3,096.73	10.95%	18,582.75	19,304.97	722.22	3.89%	24.48%
16th St. - Anchor	165,690.19	160,116.34	(5,573.85)	-3.36%	47,691.28	54,920.65	7,229.37	15.16%	-10.85%
Totals	752,441.57	800,572.65	48,131.08	6.40%	308,093.51	344,694.03	36,500.52	11.85%	2.62%

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	114.31	66.42	47.89	The 17th Street Garage has 1,460 spaces.
7th St. Garage	273.47	126.80	146.67	The 7th Street Garage has 646 spaces.
17th St. Lots	307.86	78.40	229.46	The 17th Street Lots have 506 spaces.
12th St. Garage	286.39	157.53	128.85	The 12th Street Garage has 134 spaces.
13th St. Garage	249.56	107.36	142.20	The 13th Street Garage has 286 spaces.
42nd St. Garage	50.61	31.14	19.48	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	199.40	68.39	131.00	The 16th Street - Anchor Garage has 803 spaces.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY - YEAR TO DATE
October 2004 - August 2005**

LOCATION	REVENUE			Percent of Increase/ (Decrease)	EXPENSES			Percent of Increase/ (Decrease)	PROFIT/(LOSS)			Percent of Increase/ (Decrease)
	2004 August YTD	2005 August YTD	Increase/ (Decrease)		2004 August YTD	2005 August YTD	Increase/ (Decrease)		2004 August YTD	2005 August YTD	Increase/ (Decrease)	
17 St. Garage	2,251,891.77	2,435,013.23	183,121.46	8.13%	869,797.51	1,093,917.16	224,119.65	25.77%	1,382,094.26	1,341,096.07	(40,998.19)	-2.97%
7th St. Garage	1,920,864.40	1,937,321.90	16,457.50	0.86%	604,272.26	713,085.21	108,812.95	18.01%	1,316,592.14	1,224,236.69	(92,355.45)	-7.01%
17th St. Lots	1,722,964.27	1,815,516.87	92,552.60	5.37%	280,675.73	384,568.50	103,892.77	37.02%	1,442,288.54	1,430,948.37	(11,340.17)	-0.79%
12th St. Garage	378,080.86	409,697.41	31,636.55	8.37%	201,944.27	223,414.56	21,470.29	10.63%	176,116.59	186,282.85	10,166.26	5.77%
13th St. Garage	642,915.66	669,481.94	26,566.28	4.13%	335,814.59	347,078.36	11,263.77	3.35%	307,101.07	322,403.58	15,302.51	4.98%
42nd St. Garage	418,679.41	361,198.44	(57,480.97)	-13.73%	181,195.88	209,467.32	28,271.44	15.60%	237,483.53	151,731.12	(85,752.41)	-36.11%
16th St. - Anchor	1,662,835.94	1,752,371.78	89,535.84	5.38%	466,925.30	564,984.59	98,069.29	21.00%	1,195,910.64	1,187,377.19	(8,533.45)	-0.71%
Totals	8,998,212.31	9,380,601.57	382,389.26	4.25%	2,940,625.54	3,536,525.70	595,900.16	20.26%	6,057,586.77	5,844,075.87	(213,510.90)	-3.52%

Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space
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17 St. Garage	1,667.82	749.26	918.56
7th St. Garage	2,998.95	1,103.85	1,895.10
17th St. Lots	3,587.98	760.02	2,827.96
12th St. Garage	3,057.44	1,667.27	1,390.17
13th St. Garage	2,340.85	1,213.56	1,127.29
42nd St. Garage	582.58	337.85	244.73
16th St. - Anchor	2,182.28	703.60	1,478.68

The 17th Street Garage has 1,460 spaces.

The 7th Street Garage has 646 spaces.

The 17th Street Lots have 506 spaces.

The 12th Street Garage has 134 spaces.

The 13th Street Garage has 286 spaces.

The 42nd Street Garage has 620 spaces.

The 16th Street - Anchor Garage has 803 spaces.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Garage - 2G						
Revenue						
Revenue-Ticket	480-8000-344583	106,967.29	97,410.29	(9,557.00)		
Revenue - Valet	480-8000-344583	6,300.00	6,300.00	0.00		
Revenue-Monthly Permits	480-8000-344514	<u>57,060.00</u>	<u>63,180.00</u>	<u>6,120.00</u>		
	17th Street - 2G REVENUE (Sales Tax Excluded)	170,327.29	166,890.29	(3,437.00)	-2.02%	\$114.31
Expenses						
Security Personnel		19,972.49	17,156.01	(2,816.48) (1).		
Attendant/Cashier Labor		48,178.56	59,430.67	11,252.11 (2).		
FP&L		6,473.39	6,220.59	(252.80) (3).		
Revenue Control Equipment Maintenance		9,060.56	1,891.66	(7,168.90)		
Armed Guard Revenue Pickup		420.00	433.00	13.00		
Elevator Maintenance		425.00	687.06	262.06		
Landscape Maintenance		108.33	333.33	225.00		
Garage Cleaning/Maintenance		<u>5,331.08</u>	<u>10,820.00</u>	<u>5,488.92</u> (4).		
	17th St. Garage - 2G EXPENSES	89,969.41	96,972.32	7,002.91	7.78%	\$66.42
	17th St. Garage PROFIT/(LOSS)	80,357.88	69,917.97	(10,439.91)	-12.99%	\$47.89
Number of Spaces						1460

Notes:

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road, Conventions, TOPA, and the New World Symphony.

(1). August 2004 Security Personnel figure consists of 1,627.75 total labor hours. While, August 2005 Security Personnel figure consists of only 1,433.25 total labor hours.

(2). August 2004 Attendant/Cashier Labor figure consists of only 4,335.00 total labor hours at the average rate of \$ 11.11 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 3,974.50 total labor hours at the average rate of \$14.95 per hour.

(3). August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through August 2003.

(4). August 2005 Garage Cleaning/Maintenance charge of \$10,820 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

**City of Miami Beach
Parking Department
Daily Revenue Report
17th Street Garage - 2G**

August 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	1846	17:00-17:59	298	\$2,133.64
2	Tuesday	2012	17:00-17:59	309	\$2,216.82
3	Wednesday	2066	18:00-18:59	289	\$2,208.41
4	Thursday	2237	15:00-15:59	474	\$2,749.53
5	Friday	2742	22:00-22:59	378	\$4,414.02
6	Saturday	2199	21:00-21:59	297	\$4,609.35
7	Sunday	2185	15:00-15:59	340	\$4,287.85
8	Monday	1838	14:00-14:59	254	\$2,077.57
9	Tuesday	2045	17:00-17:59	306	\$2,335.51
10	Wednesday	1988	17:00-17:59	300	\$2,127.10
11	Thursday	2328	17:00-17:59	344	\$2,594.39
12	Friday	2827	21:00-21:59	391	\$4,396.26
13	Saturday	3027	21:00-21:59	547	\$6,959.81
14	Sunday	2248	00:00-00:59	431	\$4,586.92
15	Monday	1964	17:00-17:59	309	\$2,069.16
16	Tuesday	2221	17:00-17:59	355	\$2,588.79
17	Wednesday	2420	17:00-17:59	387	\$3,092.52
18	Thursday	2493	16:00-16:59	352	\$3,343.93
19	Friday	3133	20:00-20:59	389	\$5,074.77
20	Saturday	2954	22:00-22:59	521	\$6,588.79
21	Sunday	2210	00:00-00:59	446	\$4,494.39
22	Monday	1937	17:00-17:59	304	\$2,283.18
23	Tuesday	2063	17:00-17:59	314	\$2,417.76
24	Wednesday	2195	17:00-17:59	337	\$2,170.09
25	Thursday	1179	07:00-07:59	266	\$565.42
26	Friday	1347	21:00-21:59	248	\$2,562.62
27	Saturday	3525	21:00-21:59	586	\$1,697.20
28	Sunday	2753	00:00-00:59	589	\$4,866.36
29	Monday	2015	14:00-14:59	674	\$2,313.08
30	Tuesday	1968	11:00-11:59	922	\$1,783.18
31	Wednesday	1578	17:00-17:59	324	\$1,801.87
	TOTAL	69,543			\$97,410.29
MONTHLY PERMIT REVENUE					\$63,180.00
VALET REVENUE					\$6,300.00
TOTAL NET REVENUE					\$166,890.29

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th Street Garage - 1G						
Revenue						
Revenue-Ticket	142-8000-344404	157,222.43	160,609.33	3,386.90		
Revenue-Monthly Permits	142-8000-344404	<u>13,800.00</u>	<u>16,050.00</u>	<u>2,250.00</u>		
	7th Street - 1G REVENUE (Sales Tax Excluded)	171,022.43	176,659.33	5,636.90	3.30%	\$273.47
Expenses						
Security Personnel		26,852.89	22,345.01	(4,507.88) (1).		
Attendant/Cashier Labor		22,276.54	28,979.82	6,703.28 (2).		
Landscape Maintenance		918.67	15,587.67	14,669.00 (3).		
FP&L		3,067.37	2,873.21	(194.16) (4).		
Revenue Control Equipment Maintenance		700.00	775.00	75.00 (5).		
Garage Cleaning/Maintenance		4,864.00	9,242.00	4,378.00 (6).		
Armed Guard Revenue Pickup		420.00	433.00	13.00		
Elevator Maintenance		2,360.17	1,065.17	(1,295.00) (7).		
Surveillance System Maintenance		<u>534.60</u>	<u>611.41</u>	<u>76.81</u> (8).		
	7th Street - 1G EXPENSES	61,994.24	81,912.29	19,918.05	32.13%	\$126.80
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	49,528.19	35,247.04	(14,281.15)	-28.83%	\$54.56
Number of Spaces						646

Notes:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons, and nightclub patrons.

(1). August 2004 Security Personnel figure consists of only 2,188.50 total labor hours. While, August 2005 Security Personnel figure consists of only 1,866.75 total labor hours.

(2). August 2004 Attendant/Cashier Labor figure consists of 2,005.75 total labor hours at the average rate of \$11.10 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 1,940.00 total labor hours at the average rate of \$14.93 per hour.

(3). August 2005 Landscape and Lot maintenance reflects the monthly charge of 918.67 plus additional services for the month of June and July 2005 total amount of \$14,669.00.

(4). August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through August 2003.

(5). Revenue Control Equipment Maintenance reflects the new monthly charge of \$ 775.00 effective as of Aug. 2005.

(6). August 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

(7). August 2005 Elevator Maintenance charge reflects the regular monthly service charge of \$1,065.17.

(8). August 2005 Surveillance System Maintenance charge reflects the regular monthly service charge of \$611.41.

City of Miami Beach							
Parking Department							
Daily Revenue Report							
7th Street Garage - 1G							August-05
Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental	Daily Space Rental	Daily Revenue Including Tax
					Goldman -	Other -	
					No Tax	Incl. Tax	
1	Monday	796	17:00-17:59	147	375.00	139.79	\$3,018.00
2	Tuesday	886	19:00-19:59	683	375.00	139.79	\$2,700.00
3	Wednesday	874	15:00-15:59	313	375.00	139.79	\$2,701.00
4	Thursday	1046	14:00-14:59	702	375.00	139.79	\$3,949.00
5	Friday	1059	23:00-23:59	253	375.00	139.79	\$9,166.00
6	Saturday	2026	12:00-12:59	283	375.00	139.79	\$11,611.00
7	Sunday	1821	13:00-13:59	301	375.00	139.79	\$7,571.00
8	Monday	902	18:00-18:59	151	375.00	139.79	\$3,183.00
9	Tuesday	807	15:00-15:59	148	375.00	139.79	\$2,592.00
10	Wednesday	977	07:00-07:59	339	375.00	139.79	\$2,867.00
11	Thursday	1057	14:00-14:59	184	375.00	139.79	\$3,143.00
12	Friday	1474	15:00-15:59	231	375.00	139.79	\$10,037.00
13	Saturday	2201	23:00-23:59	303	375.00	139.79	\$13,212.00
14	Sunday	2005	16:00-16:59	323	375.00	139.79	\$8,176.00
15	Monday	863	14:00-14:59	149	375.00	139.79	\$2,918.00
16	Tuesday	890	15:00-15:59	152	375.00	139.79	\$2,830.00
17	Wednesday	964	15:00-15:59	152	375.00	139.79	\$2,958.00
18	Thursday	1054	14:00-14:59	194	375.00	139.79	\$4,046.00
19	Friday	1460	23:00-23:59	272	375.00	139.79	\$10,494.00
20	Saturday	2281	00:00-00:59	286	375.00	139.79	\$13,231.00
21	Sunday	1963	16:00-16:59	310	375.00	139.79	\$7,694.00
22	Monday	793	14:00-14:59	131	375.00	139.79	\$3,152.00
23	Tuesday	798	18:00-18:59	139	375.00	139.79	\$2,424.00
24	Wednesday	762	14:00-14:59	135	375.00	139.79	\$2,406.00
25	Thursday	219	00:00-00:59	59	375.00	139.79	\$774.00
26	Friday	798	23:00-23:59	201	375.00	139.79	\$6,865.00
27	Saturday	1954	15:00-15:59	257	375.00	139.79	\$11,901.00
28	Sunday	1814	00:00-00:59	269	375.00	139.79	\$9,843.00
29	Monday	996	00:00-00:59	164	375.00	139.79	\$2,831.00
30	Tuesday	564	13:00-13:59	101	375.00	139.79	\$1,808.00
31	Wednesday	554	19:00-19:54	95	375.00	139.79	\$1,751.00
	TOTAL	36,658			\$11,625.00	\$4,333.49	\$171,852.00
			TOTAL GROSS REVENUE		\$11,625.00	\$4,333.49	\$171,852.00
			SALES TAX		\$0.00	\$283.50	\$11,242.67
			TOTAL NET REVENUE		\$11,625.00	\$4,049.99	\$160,609.33
Monthly Budgeted Revenue Needed to Break Even - FY 04/05							
(Includes Debt Service)							
Less Current Month Net Revenue							\$176,284.32
Over/(Short)							\$176,284.32
Monthly Space Rental							
Goldman Properties - 155			\$11,625.00	No tax included			
Other - 54			\$4,333.50	Tax included			

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A - East and West
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Lots - 5A East & West						
Revenue						
Revenue-Ticket	480-8000-344515	123,772.91	137,957.29	14,184.38		
Revenue-Monthly Permits	480-8000-344596	17,520.00	17,820.00	300.00		
	17th Street Lots - 5A REVENUE (Sales Tax Excluded)	141,292.91	155,777.29	14,484.38	10.25%	\$307.86
Expenses						
Security Personnel		1,174.86	861.84	(313.02) (1).		
Attendant/Cashier Labor		23,687.56	35,303.01	11,615.45 (2).		
Revenue Control Equipment Maintenance		3,722.78	2,611.66	(1,111.12) (3).		
Landscape Maintenance		502.67	502.67	0.00		
FP&L		391.48	391.48	0.00		
	17th St. Lots - 5A EXPENSES	29,479.35	39,670.66	10,191.31	34.57%	\$78.40
	17th St. Lots - 5A PROFIT/(LOSS)	111,813.56	116,106.63	4,293.07	3.84%	\$229.46
Number of Spaces						506

- Notes:**
- (1). August 2004 Security Personnel figure consists of only 95.75 total labor hours. While, August 2005 Security Personnel figure consists of only 72.00 total labor hours.
- (2). August 2004 Attendant/Cashier Labor figure consists of only 1,174.86 total labor hours at the average rate of \$ 12.27 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 861.84 total labor hours at the average rate of \$11.97 per hour.
- (3). August 2004 Revenue Control Equipment Maintenance reflects the monthly service of \$1,666.67, and an additional prorated charge of \$2,056.11 for the purchase of garage access cards. While, August 2005 Attendant/Cashier Labor figure consists of \$1,891.66 monthly service plus an additional charge of \$ 720.00 for service call.

**City of Miami Beach
Parking Department
5A Surface Lots East and West**

August-05

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Monday	709	\$1,681.31	477	\$1,127.10	\$2,804.41
2	Tuesday	721	\$1,844.86	570	\$1,447.66	\$6,100.93
3	Wednesday	811	\$1,907.48	585	\$1,347.66	\$3,255.14
4	Thursday	744	\$2,357.01	556	\$1,680.37	\$4,037.38
5	Friday	947	\$3,799.07	819	\$3,378.50	\$7,177.57
6	Saturday	914	\$3,685.98	688	\$3,100.93	\$6,786.91
7	Sunday	916	\$2,475.70	789	\$1,784.60	\$4,260.30
8	Monday	739	\$1,870.09	516	\$1,238.32	\$3,108.41
9	Tuesday	804	\$1,984.11	700	\$1,612.15	\$3,596.26
10	Wednesday	855	\$2,043.93	588	\$1,336.45	\$3,380.38
11	Thursday	785	\$2,505.61	555	\$1,674.77	\$4,180.38
12	Friday	952	\$3,752.34	818	\$3,516.82	\$7,269.16
13	Saturday	996	\$4,183.18	813	\$3,570.09	\$7,753.27
14	Sunday	973	\$2,701.00	87	\$1,427.10	\$4,128.10
15	Monday	727	\$1,910.28	537	\$1,246.73	\$3,157.01
16	Tuesday	840	\$2,082.24	583	\$1,380.37	\$3,462.61
17	Wednesday	846	\$2,103.74	690	\$1,621.50	\$3,725.24
18	Thursday	855	\$2,969.16	617	\$1,771.96	\$4,641.12
19	Friday	982	\$3,966.36	803	\$3,215.89	\$7,182.25
20	Saturday	989	\$4,215.89	764	\$3,392.52	\$7,608.41
21	Sunday	977	\$2,641.12	639	\$1,423.36	\$4,064.48
22	Monday	720	\$1,823.36	548	\$1,271.03	\$3,094.39
23	Tuesday	695	\$91.59	640	\$1,507.48	\$1,599.07
24	Wednesday	871	\$2,162.62	659	\$1,650.47	\$3,813.09
25	Thursday	395	\$549.53	155	\$225.23	\$774.76
26	Friday	570	\$2,907.48	458	\$2,077.57	\$4,985.05
27	Saturday	814	\$3,913.08	950	\$4,078.50	\$7,991.58
28	Sunday	1039	\$2,752.34	962	\$2,196.26	\$4,948.60
29	Monday	808	\$1,936.45	653	\$1,459.81	\$3,396.26
30	Tuesday	724	\$1,574.77	570	\$1,195.33	\$2,770.10
31	Wednesday	565	\$1,677.57	414	\$1,227.10	\$2,904.67
		25,283	76,069.25	19,203	\$59,183.63	\$137,957.29
MONTHLY PERMIT REVENUE						\$17,820.00
TOTAL NET REVENUE						\$155,777.29

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/5alotsrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
12th Street Garage - 2A						
Revenue						
Revenue-Ticket	480-8000-344504	30,476.60	34,535.82	4,059.22		
Revenue-Monthly Permits	480-8000-344593	<u>5,100.00</u>	<u>3,840.00</u>	<u>(1,260.00)</u>		
	12th Street - 2A REVENUE (Sales Tax Excluded)	35,576.60	38,375.82	2,799.22	7.87%	\$286.39
Expenses						
Security Personnel		9,365.08	5,622.91	(3,742.17) (1).		
Attendant/Cashier Labor		8,960.87	12,702.02	3,741.15 (2).		
FP&L		108.54	108.54	0.00		
Elevator Maintenance		4,087.00	1,155.00	(2,932.00) (3).		
Garage Cleaning/Maintenance		<u>1,540.75</u>	<u>1,521.00</u>	<u>(19.75) (4).</u>		
	12th Street - 2A EXPENSES	24,062.24	21,109.47	(2,952.77)	-12.27%	\$157.53
	12th Street - 2A PROFIT/(LOSS)	11,514.36	17,266.35	5,751.99	49.95%	\$128.85
Number of Spaces						134

Notes:

The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.

(1). August 2004 Security Personnel figure consists of 763.25 total labor hours. While, August 2005 Security Personnel figure consists of only 469.75 total labor hours.

(2). August 2004 Attendant/Cashier Labor figure consists of 857.50 total labor hours at the average rate of \$10.45 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 880.25 total labor hours at the average rate of \$14.43 per hour.

(3)- August 2004 Elevator Maintenance includes regular charge of \$125, plus an additional service charge of \$3,962 to evaluate, repair, and reinstall a valve. While August 2005 regular maintenance stays the same plus additional work performed on 07/11/05 \$495.00 and 06/21/05&06/23/05 \$660.00 .

(4). August 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,285.00 plus 31 additional hrs cleaning \$ 255.75. While, August 2005 Garage Cleaning/Maintenance charge of \$1,521.00 reflects the new regular monthly service charge from Chi-Ada Corp. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage

August-05

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Monday	1	4	2		1		2		135	145	\$628.04
2	Tuesday		1			1		1		189	192	\$856.07
3	Wednesday					2		1		196	199	\$934.58
4	Thursday		1	1		1		3	5	202	213	\$988.79
5	Friday			1		1		3	3	221	229	\$1,517.76
6	Saturday							1	1	210	212	\$1,682.24
7	Sunday							1	1	158	160	\$1,321.50
8	Monday		2			2		1		172	177	\$871.03
9	Tuesday		1			1		2		149	153	\$766.36
10	Wednesday					2		1	6	230	239	\$1,067.29
11	Thursday	1		3		2		2	6	240	254	\$1,246.73
12	Friday							5		226	231	\$1,500.93
13	Saturday							3		258	261	\$1,957.01
14	Sunday								2	186	188	\$1,446.73
15	Monday	1				1		2		174	178	\$857.94
16	Tuesday	2						4	1	163	170	\$696.26
17	Wednesday					3		1	1	202	207	\$930.84
18	Thursday	1				2			5	215	223	\$1,085.98
19	Friday	2						2		239	243	\$1,416.17
20	Saturday							4		241	245	\$1,876.64
21	Sunday									160	160	\$1,284.11
22	Monday	1		2		1		2		161	167	\$846.73
23	Tuesday	3				2				212	217	\$964.49
24	Wednesday	1		1				2		188	192	\$959.81
25	Thursday					4				32	36	\$164.49
26	Friday							5	1	156	162	\$1,173.83
27	Saturday	1		1				4	2	220	228	\$1,697.20
28	Sunday			1				1		202	204	\$1,555.14
29	Monday							1	1	142	144	\$779.44
30	Tuesday			2				1	20	148	171	\$695.33
31	Wednesday	2				3		2	30	158	195	\$766.36
	TOTAL	16	9	14	0	29	0	57	85	5785	5995	\$34,535.82
											MONTHLY PERMIT REVENUE	\$3,840.00
											TOTAL NET REVENUE	\$38,375.82

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/12thstrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
13th Street Garage - 17A						
Revenue						
Revenue-Ticket	480-8000-344566	31,909.35	62,914.05	31,004.70		
Revenue-Monthly Permits	480-8000-344527	<u>8,340.00</u>	<u>8,460.00</u>	<u>120.00</u>		
	13th Street - 17A REVENUE (Sales Tax Excluded)	40,249.35	71,374.05	31,124.70	77.33%	\$249.56
Expenses						
Security Personnel		12,346.69	9,498.20	(2,848.49) (1).		
Attendant/Cashier Labor		18,836.90	13,992.22	(4,844.68) (2).		
Landscape Maintenance		935.67	216.67	(719.00)		
FP&L		1,404.98	1,495.92	90.94 (3).		
Revenue Control Equipment Maintenance		750.00	1,891.66	1,141.66		
Elevator Maintenance		170.00	1,655.00	1,485.00 (4).		
Armed Guard Revenue Pickup		420.00	433.00	13.00		
Garage Cleaning/Maintenance		<u>1,450.00</u>	<u>1,521.00</u>	<u>71.00</u> (5).		
	13th Street - 17A EXPENSES	36,314.24	30,703.67	(5,610.57)	-15.45%	\$107.36
	13th Street - 17A PROFIT/(LOSS)	3,935.11	40,670.38	36,735.27	933.53%	\$142.20
Number of Spaces						286

Notes:
The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction workers, visitors to SOBE, beachgoers, and restaurant patrons.

- (1). August 2004 Security Personnel figure consists of 1,006.25 total labor hours. While, August 2005 Security Personnel figure consists of only 793.50 total labor hours.
- (2). August 2004 Attendant/Cashier Labor figure consists of 1,677.50 total labor hours at the average rate of \$11.23 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 897.75 total labor hours at the average rate of \$15.58 per hour. The decrease is due to the new automated pay on foot machine.
- (3). August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through August 2003.
- (4). August 2004 Elevator Maintenance reflects the regular monthly service charge of \$170. August 2005 Elevator Maintenance charge of \$170 reflects the regular monthly service charge from Kone and a charge of \$ 1,485.00 as additional service to detector due to water damage.
- (5). August 2004 Garage Cleaning/Maintenance reflects the regular monthly service charge of \$1,450. August 2005 Garage Cleaning/Maintenance charge of \$1,521 reflects the new regular monthly service charge from Chi-Ada Corp. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
13th Street Garage - 17A

August-05

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Daily Ticke Revenue
1	Monday	18				4	2	0	354	378	\$3,421
2	Tuesday	16		3	1	4	1	0	335	360	\$893
3	Wednesday	15	1	1		5	3	0	373	398	\$2,609
4	Thursday	11		2		3	1	0	440	457	\$1,760
5	Friday	14	1	1	5	5	1	0	439	466	\$2,173
6	Saturday	15		1		4	3	0	511	534	\$2,448
7	Sunday	14		2	1	3	4	0	611	635	\$3,312
8	Monday	11		3		3	2	0	390	409	\$689
9	Tuesday	19	1	2	2	2	1	0	470	497	\$2,271
10	Wednesday	16	2	3	2	3	2	0	381	409	\$1,785
11	Thursday	13	2	3	2	4	1	0	467	492	\$1,602
12	Friday	25	1	2	3	3	1	0	487	522	\$2,123
13	Saturday	16		6		4	2	0	501	529	\$1,925
14	Sunday	16		2	2	3	4	0	589	616	\$2,339
15	Monday	23				2	1	0	394	420	\$3,460
16	Tuesday	20		1		3	1	0	422	447	\$1,834
17	Wednesday	16		1		2	2	0	410	431	\$1,686
18	Thursday	37		1	2	5	1	0	461	507	\$3,297
19	Friday	18		2		5	3	0	485	513	\$2,071
20	Saturday	15		3	4	17	3	0	457	499	\$1,809
21	Sunday	14		3		4	2	0	591	614	\$3,623
22	Monday	13		1		4	2	0	381	401	\$2,274
23	Tuesday	16			1	3	1	0	412	433	\$1,753
24	Wednesday	20		3	1	3	2	0	426	455	\$429
25	Thursday	30		6		6	2	0	148	192	\$755
26	Friday	Hurricane	Hurricane	Hurricane	Hurricane	Hurricane	Hurricane	Hurricane	239	239	\$571
27	Saturday	22	1	2		5	2	0	454	486	\$2,257
28	Sunday	19	2	5		5	2	0	476	509	\$2,243
29	Monday	28	2			4	2	0	410	446	\$2,374
30	Tuesday	22		1		3	1	0	251	278	\$2,621
31	Wednesday	18	1			4	1	0	264	288	\$491
TOTAL		550	14	60	26	125	56	0	13029	13860	\$62,914
MONTHLY PERMIT REVENUE											\$8,460
TOTAL NET REVENUE											\$71,374

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/13thstrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
16th Street - Anchor Garage						
Revenue						
Revenue-Ticket	463-8000-344911	100,280.84	91,550.46	(8,730.38)		
Revenue -Valet-Loew's	463-8000-344587	36,693.46	36,415.88	(277.58)		
Revenue-Valet-Royal Palm	463-8000-344587	915.89	0.00	(915.89)		
Revenue-Monthly Permits	463-8000-344903	27,800.00	32,150.00	4,350.00		
	16th St. - Anchor Garage REVENUE (Sales Tax Excluded)	165,690.19	160,116.34	(5,573.85)	-3.36%	\$199.40
Expenses						
Security Personnel		16,536.88	11,030.36	(5,506.52)	(1).	
Attendant/Cashier Labor		15,889.24	27,446.64	11,557.40	(2).	
FP&L		3,800.00	4,232.00	432.00	(3).	
Revenue Control Equipment Maintenance		775.00	775.00	0.00		
Armed Guard Revenue Pickup		420.00	433.00	13.00		
Elevator Maintenance		4,787.13	1,180.64	(3,606.49)	(4).	
Landscape Maintenance		190.00	152.00	(38.00)	(5).	
Garage Cleaning/Maintenance		4,864.00	9,242.00	4,378.00	(6).	
Sanitation (Waste Removal)		179.01	179.01	0.00	(7).	
Fire Alarm Service		250.00	250.00	0.00		
	16th St. - Anchor Garage EXPENSES	47,691.26	54,920.65	7,229.39	15.16%	\$68.39
	16th St. Garage PROFIT/(LOSS)	117,998.93	105,195.69	(12,803.24)	-10.85%	\$131.00
Number of Spaces						803

Notes:

Garage contract awarded effective June 9, 2003.

(1) August 2004 Security Personnel figure consists of only 1,266.25 total labor hours. While, August 2005 Security Personnel figure consists of 921.50 total labor hours.

(2). August 2004 Attendant/Cashier Labor figure consists of only 1,418.00 total labor hours at the average rate of \$11.20 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 1,833.75 total labor hours at the average rate of 14.96

(3). August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through August 2003.

(4). August 2005 Elevator Maintenance charge reflects the regular monthly service charge of \$1,180.64

(5). August 2005 Landscape Maintenance charge reflects the regular monthly service charge of \$152.00

(6). August 2005 Garage Cleaning/Maintenance charge of \$9,242 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

(7). August 2005 Waste Removal charge of \$ 179.01 reflects the regular monthly service charge from Waste Management.

City of Miami Beach
Parking Department
Daily Revenue Report
16th Street - Anchor Garage

August-05

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Monday	658	15:00-15:59	96	\$ 1,682.24
2	Tuesday	582	15:00-15:59	80	\$ 1,399.07
3	Wednesday	655	12:00-12:59	89	\$ 1,668.22
4	Thursday	792	16:00-16:59	122	\$ 2,285.05
5	Friday	973	20:00-20:59	137	\$ 3,822.43
6	Saturday	1021	14:00-14:59	136	\$ 5,492.52
7	Sunday	763	00:00-00:59	132	\$ 3,427.10
8	Monday	638	18:00-18:59	90	\$ 1,966.36
9	Tuesday	656	12:00-12:59	98	\$ 1,712.15
10	Wednesday	696	17:00-17:59	100	\$ 2,030.84
11	Thursday	844	13:00-13:59	124	\$ 2,271.03
12	Friday	1006	23:00-23:59	131	\$ 4,727.10
13	Saturday	1116	23:00-23:59	162	\$ 6,195.33
14	Sunday	811	00:00-00:59	139	\$ 3,371.03
15	Monday	596	12:00-12:59	117	\$ 1,937.38
16	Tuesday	698	18:00-18:59	99	\$ 2,068.22
17	Wednesday	767	13:00-13:59	110	\$ 2,003.74
18	Thursday	878	18:00-18:59	115	\$ 2,572.90
19	Friday	1023	23:00-23:59	137	\$ 4,103.74
20	Saturday	1148	16:00-16:59	154	\$ 6,466.36
21	Sunday	906	01:00-01:59	151	\$ 3,756.07
22	Monday	660	13:00-13:59	100	\$ 1,840.19
23	Tuesday	640	18:00-18:59	95	\$ 1,726.17
24	Wednesday	800	13:00-13:59	115	\$ 2,245.79
25	Thursday	320	08:00-08:59	88	\$ 484.11
26	Friday	651	22:00-22:59	107	\$ 3,299.07
27	Saturday	1224	20:00-20:59	175	\$ 6,556.07
28	Sunday	1072	16:00-16:59	149	\$ 5,559.80
29	Monday	795	13:00-13:59	141	\$ 2,213.08
30	Tuesday	613	15:00-15:59	88	\$ 1,312.15
31	Wednesday	590	18:00-18:59	96	\$ 1,355.15
	TOTAL	24,592			\$91,550.46
MONTHLY PERMIT REVENUE					\$32,150.00
VALET REVENUE					\$36,415.88
TOTAL NET REVENUE					\$160,116.34

Note: Garage contract awarded effective June 9, 2003.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A
August 2005**

LOCATION	ACCOUNTING CODE	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue						
Revenue-Ticket	480-8000-344531	3,802.80	5,699.53	1,896.73		
Revenue-Monthly Permits	480-8000-344595	24,480.00	25,680.00	1,200.00		
	42nd Street Garage- 8A REVENUE (Sales Tax Excluded)	28,282.80	31,379.53	3,096.73	10.95%	\$50.61
Expenses						
Security Personnel		10,294.53	6,008.94	(4,285.59) (1).		
Attendant/Cashier Labor		4,255.76	5,339.12	1,083.36 (2).		
FP&L		1,805.96	2,081.77	275.81 (3).		
Revenue Control Equipment Maintenance		0.00	1,891.66	1,891.66 (4).		
Elevator Maintenance		430.00	591.48	161.48 (5).		
Landscape Maintenance		0.00	0.00	0.00		
Garage Cleaning/Maintenance		1,796.50	3,392.00	1,595.50 (6).		
	42nd St. Garage - 8A EXPENSES	18,582.75	19,304.97	722.22	3.89%	\$31.14
	42nd St. Garage PROFIT/(LOSS)	9,700.05	12,074.56	2,374.51	24.48%	\$19.48
Number of Spaces						620

Notes:

The primary users of this facility are monthly parkers engaged in local business.

(1). August 2004 Security Personnel figure consist of only 839.00 total hours . While, August 2005 Security Personnel figure consist of only 370.00 total hours.

(2). August 2004 Attendant/Cashier Labor figure consists of 407.25 total labor hours at the average rate of \$10.45 per hour. While, August 2005 Attendant/Cashier Labor figure consists of 370.00 total labor hours at the average rate of \$14.43 per hour.

(3). August 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2002 through August 2003.

(4).August 2005 Revenue Control Equipment Labor charge reflects the regular monthly service charge of \$1,891.66.

(5).August 2004 Elevator Maintenance charge reflects the regular monthly service charge of \$430.00. While August 2005 reflects the regular maintenance charge of \$430.00 plus \$161.48 for extra service to replace blown fuse on the power supply due to water damage.

(6).August 2004 Garage Cleaning Maintenance reflects the regular monthly service charge of \$ 1,285 and a charge of \$ 511.50 for 62 additional hours of cleaning services. August 2005 Garage Cleaning Maintenance charge of \$3,392 reflects the new regular monthly service charge from Best Maintenance. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
Daily Revenue Reports
42nd Street Garage - 8A

August-05

Date	Day	Total Vehicle Entries	Daily Ticket Revenue
1	Monday	739	148.60
2	Tuesday	685	130.84
3	Wednesday	774	142.99
4	Thursday	811	171.03
5	Friday	790	119.63
6	Saturday	677	-
7	Sunday	454	-
8	Monday	682	156.07
9	Tuesday	716	156.07
10	Wednesday	699	147.66
11	Thursday	343	151.40
12	Friday	780	119.63
13	Saturday	682	25.23
14	Sunday	499	0
15	Monday	680	114.02
16	Tuesday	715	152.34
17	Wednesday	770	122.43
18	Thursday	800	139.25
19	Friday	779	124.30
20	Saturday	681	-
21	Sunday	495	-
22	Monday	601	2,724.77
23	Tuesday	720	158.88
24	Wednesday	775	96.26
25	Thursday	0 (H. Katrina)	38.32
26	Friday	0 (H. Katrina)	71.03
27	Saturday	679	-
28	Sunday	495	-
29	Monday	601	169.16
30	Tuesday	678	171.96
31	Wednesday	708	147.66
	TOTAL	19,508	5,699.53
MONTHLY PERMIT REVENUE			\$25,680.00
TOTAL NET REVENUE			\$31,379.53

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
August 2005**

LOCATION	ACCOUNTING CODE	2005 August # of Spaces	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	47,095.54	\$25,156.55	(21,938.99)	-46.58%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	57	5,888.50	5,674.39		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	0.00	8,794.38		
Total		57	5,888.50	14,468.77	8,580.27	145.71%
1B - (78 Washington Avenue) - Off Street	480-8000-344617	12	227.28	491.49	264.21	116.25%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	48,820.49	40,658.95	(8,161.54)	-16.72%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	22	611.24	285.85	(325.39)	-53.23%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	7,530.85	7,459.75	(71.10)	-0.94%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	81,687.11	83,815.85	2,128.74	2.61%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	12,915.89	14,618.52	1,702.63	13.18%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	11,966.00	12,637.38	671.38	5.61%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,965.56	3,093.82	128.26	4.32%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	1,408.76	397.93		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	0.00	0.00		
Total		85	1,408.76	397.93	(1,010.83)	-71.75%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	418.95	232.17		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	418.95	232.17	(186.78)	-44.58%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	495.92	839.09	343.17	-
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	2,204.48	2,150.21	(54.27)	-2.46%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	24,501.28	23,235.72	(1,265.56)	-5.17%
6A - (22nd Street & Park) - Off Street	480-8000-344523	14	896.78	397.09	(499.69)	-55.72%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	15,886.06	14,755.82		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	233.64		
Total		190	15,886.06	14,989.46	(896.60)	-5.64%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	75,818.09	76,261.52	443.43	0.58%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	135,441.89	140,981.49	5,539.60	4.09%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	815.92	1,543.61		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	0.00		
Total		14	815.92	1,543.61	727.69	89.19%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	17,910.40	17,413.16	(497.24)	-2.78%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	343.20	0.00	(343.20)	-100.00%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	4,919.31	3,292.33		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
Total		173	4,919.31	3,292.33	(1,626.98)	-33.07%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,745.79	2,052.20	306.41	17.55%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	224.27	182.76	(41.51)	-18.51%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,654.52	1,769.09	114.57	6.92%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	650.21	480.99	(169.22)	-26.03%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	38,689.84	41,830.55	3,140.71	8.12%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	1,085.33	1,044.86	(40.47)	-3.73%
9B - (72nd St. & Collins) - Off Street	480-8000-344539	0	0.00	8,127.47		
9B - (72nd St. & Collins) - Attended	480-8000-344539	0	6,187.85	985.98		
Total		0	6,187.85	9,113.45	2,925.60	47.28%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	67.92	38.30	(29.62)	-43.61%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
August 2005**

LOCATION	ACCOUNTING CODE	2005 August # of Spaces	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	685.22	1,394.47	709.25	103.51%
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	163.67	195.27	31.60	19.31%
9F - (75th & Collins) - Off Street	480-8000-344543	106	3,966.14	5,218.84	1,252.70	31.58%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	13,760.09	11,166.27	(2,593.82)	-18.85%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	29,215.03	32,810.98	3,595.95	12.31%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	11,185.23	5,261.92	(5,923.31)	-52.96%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,226.42	7,564.64	4,338.22	134.46%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	7,090.38	7,593.64	503.26	7.10%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,932.06	3,047.09	115.03	3.92%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	-
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	3,917.12	4,277.46		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	3,917.12	4,277.46	360.34	9.20%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	6,295.72	6,331.33		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	6,295.72	6,331.33	35.61	0.57%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	7,499.43	14,753.23	7,253.80	96.72%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	13,896.97	12,489.25	(1,407.72)	-10.13%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	2,324.37	1,892.69	(431.68)	-18.57%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	6,741.34	7,793.45	1,052.11	15.61%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	10,738.64	9,080.25	(1,658.39)	-15.44%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	5,160.58	5,417.91	257.33	4.99%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	11,416.31	13,441.23	2,024.92	17.74%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	2,072.33	3,644.92		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	2,072.33	3,644.92	1,572.59	75.89%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	3,116.82	4,107.19		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	3,116.82	4,107.19	990.37	31.78%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	5,493.58	6,751.50		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	8,882.22	9,196.26		
Total		54	14,375.80	15,947.76	1,571.96	10.93%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	134.44	509.58	375.14	279.04%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	4,993.80	4,655.08		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	4,993.80	4,655.08	(338.72)	-6.78%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	11,951.10	22,864.72		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	15,420.56	10,738.32		
Total		449	27,371.66	33,603.04	6,231.38	22.77%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,162.23	639.97	(522.26)	-44.94%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
August 2005**

LOCATION	ACCOUNTING CODE	2005 August # of Spaces	2004 August	2005 August	Increase/ (Decrease)	Percent of Increase/ (Decrease)
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	1,636.82	2,068.03		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	5,107.47	4,560.75		
Total		158	6,744.29	6,628.78	(115.51)	-1.71%
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	3,117.88	4,053.65		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
Total		121	3,117.88	4,053.65	935.77	30.01%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	164.30	234.34	70.04	-
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	139.33	44.74	(94.59)	-67.89%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,593.71	5,025.18	1,431.47	39.83%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	841.48	511.60	(329.88)	-39.20%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	564.42	0.00	(564.42)	-100.00%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	723.37	722.75	(0.62)	-0.09%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	333.20	532.47	199.27	59.80%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	4,058.75	4,341.98	283.23	6.98%
26Z - (Collins & 87th Street) - Off Street	480-8000-344616	15	191.43	220.19	28.76	-
10X - (Lincoln Lane & Lenox) - Off Street	480-8000-344582	99	18,219.63	26,918.42		
10X - (Lincoln Lane & Lenox) - Attended	480-8000-344582	0	0.00	0.00		
Total		99	18,219.63	26,918.42	8,698.79	47.74%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	594.98	635.36	40.38	6.79%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	0.00	937.06	937.06	#DIV/0!
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,466.46	4,568.28		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	2,924.31	1,609.36		
Total		39	6,390.77	6,177.64	(213.13)	-3.33%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,498.03	2,230.01	(268.02)	-10.73%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	3,770.66	4,515.83	745.17	19.76%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	157.59	240.82	83.23	52.81%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	162.89	188.90	26.01	15.97%
SLSP00 - (South Point Lot) - Off Street	480-8000-344602	108	6,075.16	6,586.95		
SLSP00 - (South Point Lot) - Attended	480-8000-344602	0	8,218.68	8,056.07		
Total		108	14,293.84	14,643.02	349.18	2.44%
4th & Alton Lot - Off Street	480-8000-344604	21	1,249.78	1,861.46	611.68	48.94%
4A - 1833 Bay Road - Off Street	480-8000-344608	0	0.00	0.00	0.00	-
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	-
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
P50 - (24th Street & Flamingo Drive) - Off Street	480-8000-344619	0	0.00	0.00	0.00	-
P51 - (23rd Street & Liberty Avenue East) - Attended	480-8000-344620	0	0.00	1,018.13	1,018.13	-
P52 - (23rd Street & Liberty Avenue West) - Attended	480-8000-344621	0	0.00	516.64	516.64	-
P85 - (71st Street & Byron) - Off Street	480-8000-344618	0	0.00	355.98		
P85 - (71st Street & Byron) - Attended	480-8000-344618	0	0.00	0.00		
Total		0	0.00	355.98	355.98	-
TOTAL		8,332	\$844,994.02	\$868,991.98	\$23,997.96	2.84%

NOTE: ZONES WITH MULTI-SPACE PAYSTATIONS ARE ITALICIZED.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE
August 2005**

VENDOR	# of CARDS \$25	# of CARDS with 10% Discount \$22.50	MACHINE SALES \$ Amount	REFUNDS \$ Amount	TOTAL
BAY SUPERMARKET	0	0			\$0.00
BEACH BANK	0	0			\$0.00
CHAMBER OF COMMERCE	0	0			\$0.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
D'VINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	57	48			\$2,505.00
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	50			\$1,125.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	168	104			\$6,540.00
PARKING DEPT. - Garages	0	0			\$0.00
PUBLIX SUPERMARKET	0	920			\$20,700.00
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash	0	0	\$1,405.00		\$1,405.00
PARKING MACHINE - Credit Cards	0	0	\$2,220.00		\$2,220.00
WOLFSONIAN	0	0			\$0.00
ZELICK'S TOBACCO	0	0			\$0.00
TOTAL # OF CARDS	225	1,122			1,347
TOTAL \$ AMOUNT	\$5,625.00	\$25,245.00	\$3,625.00	\$0.00	\$34,495.00

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE - YEAR TO DATE
October 2004 - August 2005**

VENDOR	# of CARDS	# of CARDS	MACHINE	REFUNDS	TOTAL
	\$25	with 10% Discount \$22.50	SALES \$ Amount	\$ Amount	
BAY SUPERMARKET	0	0			\$0.00
BEACH BANK	0	0			\$0.00
BRIGHAM GARDENS	0	0			\$0.00
CHAMBER OF COMMERCE	0	90			\$2,025.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
D'VINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	870	590			\$35,025.00
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	360			\$8,100.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	1,420	1,124		\$0.00	\$60,790.00
PARKING DEPT. - Garages	110	101			\$5,022.50
PUBLIX SUPERMARKET	0	19,805			\$445,612.50
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash	-	-	\$23,215.00		\$23,215.00
PARKING MACHINE - Credit Cards	-	-	\$25,165.00		\$25,165.00
WOLFSONIAN	0	25			\$562.50
ZELICK'S TOBACCO	0	80			\$1,800.00
TOTAL # OF CARDS	2,400	22,175			24,575
TOTAL \$ AMOUNT	\$60,000.00	\$498,937.50	\$48,380.00	\$0.00	\$607,317.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	147,297.18	172,645.81	160,111.23	180,829.02	213,845.81	180,743.49	161,564.57	148,141.13	119,202.78	131,541.92	97,410.29		1,713,333.23
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	8,300.00	6,300.00	6,300.00	6,300.00	8,300.00	6,300.00	8,300.00		69,300.00
Revenue-Monthly Permits	480-8000-344514	55,980.00	57,120.00	56,480.00	56,160.00	57,720.00	59,040.00	60,780.00	61,920.00	63,000.00	61,020.00	63,180.00		652,380.00
17th St. - 2G REVENUE (Sales Tax Excluded)		209,577.18	236,065.81	222,871.23	243,289.02	277,865.81	246,083.49	228,644.57	216,361.13	188,502.78	198,861.92	166,890.29	0.00	2,435,013.23
Expenses														
Security Personnel		21,092.12	15,848.77	15,852.84	19,941.82	15,941.80	15,727.08	18,236.29	20,387.91	21,022.22	22,012.84	17,156.01		203,220.70
Attendant/Cashier Labor		41,006.44	51,214.30	44,920.57	80,488.29	85,524.18	58,522.20	73,433.44	60,528.58	60,155.94	49,383.58	59,430.67		684,608.19
FP&L		6,473.39	5,949.62	6,369.53	6,892.30	6,892.30	4,850.13	5,921.79	6,011.85	7,618.41	6,579.41	6,220.59		69,779.32
Revenue Control Equipment Maintenance		1,666.67	4,551.67	2,101.67	1,666.67	1,666.67	1,666.67	1,666.67	3,999.99	3,999.99	2,133.33	1,891.66		27,011.66
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00		4,646.00
Elevator Maintenance		483.60	425.00	425.00	425.00	425.00	425.00	425.00	425.00	425.00	833.00	687.06		5,403.66
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	919.33	333.33		2,227.63
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00		119,020.00
17th St. - 2G EXPENSES		82,070.55	89,338.69	81,077.94	120,762.41	121,798.28	92,539.41	111,031.52	102,701.66	104,569.89	93,114.49	96,972.32	0.00	1,095,917.16
17th St. PROFIT/(LOSS)		127,506.63	146,727.12	141,853.29	122,526.61	156,067.53	153,544.08	117,613.05	113,659.47	83,932.89	105,747.43	69,917.97	0.00	1,339,096.07

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	154,681.53	127,139.34	153,750.35	114,394.40	108,808.42	106,987.29	75,012.15	1,698,703.92
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00		75,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,780.00	57,660.00	57,780.00	58,020.00	57,060.00		676,800.00
17th St. - 2G REVENUE (Sales Tax Excluded)		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	139,212.15	2,391,103.92
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	14,711.73	201,479.11
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	45,314.47	46,946.34	44,981.49	37,865.26	48,178.56	43,040.60	526,765.67
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39		77,680.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	2,516.67	9,060.56	1,936.67	28,513.93
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00		5,040.00
Elevator Maintenance		736.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	30,453.50	425.00	425.00		36,589.00
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	312.33	108.33	108.33	108.33		1,503.96
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08		70,180.88
17th St. - 2G EXPENSES		72,145.78	79,528.88	72,187.17	66,528.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,498.90	88,969.41	77,935.72	947,733.23
17th St. PROFIT/(LOSS)		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,249.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.88	61,276.43	1,443,370.69

2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
105,641.20	159,877.65	136,339.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
60,000.00	61,560.00	59,820.00	58,760.00	57,960.00	58,740.00	58,680.00	53,460.00	54,300.00	55,920.00	53,160.00	53,220.00	683,560.00
171,941.20	227,737.65	202,459.53	216,172.01	263,881.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
16,561.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	16,480.25	20,599.69	16,233.62	215,286.88
33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,809.78	34,812.81	42,009.65	489,938.65
5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,379.04
517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,054.62
613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	13,119.75
108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	51,985.98
61,304.28	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
95,980.84	88,650.62	117,454.92	129,924.57	193,183.71	173,980.26	137,297.11	123,415.47	109,810.52	97,670.31	100,261.80	101,232.96	1,468,863.09
6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
46,380.00	49,200.00	50,040.00	48,780.00	49,200.00	50,940.00	58,260.00	54,360.00	54,000.00	59,760.00	59,880.00	60,180.00	640,980.00
148,660.84	144,150.62	173,794.92	185,004.57	248,683.71	231,220.26	201,857.11	184,075.47	170,110.52	163,730.31	166,441.80	167,712.96	2,185,443.09
12,311.04	12,073.41	11,853.44	12,243.49	12,971.98	11,674.27	12,081.92	11,200.98	13,739.92	16,653.15	19,575.84	17,759.89	164,139.33
36,920.66	30,740.16	30,863.50	35,009.60	44,561.13	32,597.89	38,714.70	38,742.83	35,232.98	31,239.96	32,357.63	34,965.22	421,846.26
5,519.53	5,106.15	5,446.66	5,793.30	5,678.30	5,251.72	5,381.93	5,279.30	5,704.54	5,485.43	5,460.87	6,099.82	66,207.55
1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	7,356.00
108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	39,504.00
60,848.41	54,116.90	54,360.78	59,243.57	69,408.58	55,721.06	62,375.73	61,420.29	60,874.62	59,575.72	63,591.52	65,022.11	726,559.30
87,812.43	90,033.72	119,434.14	125,761.00	179,275.12	175,499.20	139,481.38	122,655.16	109,235.90	104,154.59	102,850.28	102,690.85	1,458,883.79

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	155,800.01	128,321.49	126,085.97	152,852.34	147,168.61	217,609.34	189,803.73	187,243.46	130,258.87	194,785.25	160,609.33		1,770,538.40
Revenue-Monthly Permits	142-8000-344404	13,650.00	13,800.00	13,800.00	13,800.00	16,425.00	15,675.00	15,675.00	15,900.00	15,988.50	16,050.00	16,050.00		168,783.50
	7th Street Garage - 1G REVENUE	169,450.01	142,121.49	139,885.97	166,652.34	163,593.61	233,284.34	205,478.73	183,143.46	146,217.37	210,835.25	176,659.33	0.00	1,937,321.90
	(Sales Tax Excluded)													
Expenses														
Security		27,049.21	21,202.56	20,947.96	28,251.69	21,135.07	21,113.61	23,472.50	21,381.41	21,746.50	26,274.22	22,345.01		254,919.74
Attendant/Cashier Labor		17,782.75	17,406.81	17,511.32	27,594.05	23,751.16	24,658.06	29,921.42	24,134.11	23,796.14	23,843.16	28,979.82		259,348.80
Landscape Maintenance		1,605.67	918.67	2,417.67	1,546.42	2,178.67	918.67	918.67	918.67	918.67	1,036.67	15,587.67		27,966.12
FP&L		3,067.37	3,067.37	2,452.54	2,705.35	2,328.41	2,688.87	2,739.59	2,732.53	3,216.31	3,053.15	2,873.21		30,924.70
Revenue Control Equipment Maintenance		860.15	700.00	700.00	700.00	700.00	700.00	700.00	3,516.66	3,516.66	1,650.00	775.00		14,518.47
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00		101,682.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00		4,846.00
Elevator Maintenance		1,065.17	1,065.17	1,065.17	1,410.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17		12,061.87
Surveillance System Maintenance		611.41	611.41	611.41	611.41	950.41	811.41	811.41	811.41	811.41	811.41	811.41		7,064.51
	7th St. Garage - 1G EXPENSES	61,703.73	54,633.99	55,368.07	72,451.09	60,770.89	61,417.79	69,090.76	64,021.96	64,532.86	67,208.78	81,912.29	0.00	713,112.21
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00		654,500.00
	7th St. - 1G PROFIT/(LOSS)	48,246.28	27,987.50	25,017.90	34,701.25	43,322.72	112,366.55	76,887.97	59,621.50	22,194.51	84,126.47	35,247.04	0.00	568,709.69

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	139,529.56	139,842.06	130,241.12	167,042.06	164,871.96	219,217.76	169,714.95	173,072.90	138,058.07	172,876.64	157,222.43	82,198.12	1,853,887.63
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	13,725.00	13,350.00	13,725.00	13,800.00	13,800.00	13,800.00	162,975.00
	7th Street Garage - 1G REVENUE	152,579.56	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	183,439.95	186,422.90	151,783.07	186,676.64	171,022.43	96,998.12	2,016,862.63
	(Sales Tax Excluded)													
Expenses														
Security		21,049.40	21,816.06	24,181.09	21,727.10	20,980.22	23,119.75	21,349.80	28,211.80	21,233.24	22,052.26	26,852.89	17,055.31	269,608.92
Attendant/Cashier Labor		17,797.52	17,668.48	17,422.60	17,959.47	17,642.05	18,282.80	17,863.50	17,748.27	17,815.82	17,998.44	22,276.54	19,097.97	219,573.46
Landscape Maintenance		918.67	918.67	918.67	918.67	848.00	918.67	918.67	918.67	918.67	14,404.67	918.67	18,581.67	40,297.70
FP&L		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	1,200.00	8,900.00
Garage Cleaning/Maintenance		4,864.00	4,699.00	4,785.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	9,242.00	62,729.50
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,729.00	1,202.00	2,271.50	1,460.42	1,460.42	985.00	1,202.00	2,817.42	2,592.67	2,360.17	2,360.17	2,050.17	22,015.52
Surveillance System Maintenance		534.60	534.60	744.60	534.60	534.60	534.60	534.60	534.60	534.60	534.60	534.60	534.60	8,547.78
	7th St. Garage - 1G EXPENSES	51,080.56	51,221.51	54,480.83	51,176.21	50,486.66	52,882.19	50,919.94	59,282.13	54,068.95	66,649.01	61,994.24	69,249.09	673,521.32
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. - 1G PROFIT/(LOSS)	41,999.00	42,358.05	29,712.79	68,865.85	68,675.30	120,550.57	73,020.01	67,640.77	38,214.12	60,527.63	49,528.19	(32,750.97)	629,341.31

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	136,189.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,871.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Attendant/Cashier Labor		16,755.52	25,273.02	16,806.12	17,276.43	16,684.70	17,684.84	16,755.04	16,893.83	25,407.34	16,835.01	17,385.71	17,618.06	221,385.42
Landscaping Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	21,530.02
FP&L		2,687.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	700.00	700.00	700.00	700.00	36,808.44
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	56,615.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	1,264.84	1,936.44	1,180.88	1,180.88	1,295.00	13,948.92
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	495.00	495.00	495.00	1,855.00	580.00	2,810.60	9,352.60
7th St. Garage - 1G EXPENSES		48,997.46	57,251.34	48,247.93	54,484.10	51,062.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	98,891.68	105,333.01	144,735.13	153,866.18	138,843.74	240,191.44	171,039.15	163,294.17	139,551.83	163,218.25	175,770.79	135,339.42	1,830,074.79
Revenue-Monthly Permits	142-8000-344404	15,975.00	16,350.00	15,825.00	16,800.00	14,550.00	14,700.00	14,700.00	14,550.00	14,550.00	13,800.00	13,725.00	13,800.00	179,325.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		114,866.68	121,683.01	160,560.13	170,666.18	153,393.74	254,891.44	185,739.15	177,844.17	154,101.83	177,018.25	189,495.79	149,139.42	2,009,399.79
Expenses														
Security		15,394.28	15,695.07	14,460.29	15,772.87	15,146.88	17,041.38	15,981.17	15,768.28	17,513.64	22,057.41	25,611.88	22,611.97	212,955.12
Attendant/Cashier Labor		15,209.20	15,854.69	16,107.91	16,346.08	16,018.67	15,976.15	16,429.77	16,357.45	15,943.55	15,952.92	16,884.59	17,149.19	194,030.17
Landscaping Maintenance		984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	984.00	11,808.00
FP&L		3,163.54	2,599.76	2,754.67	2,964.55	2,773.25	2,567.84	2,733.33	2,574.07	2,891.16	2,700.17	2,849.96	3,069.84	33,632.14
Revenue Control Equipment Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Garage Cleaning/Maintenance		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	58,368.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Elevator Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	985.00	11,820.00
Surveillance System Maintenance		437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	437.00	5,244.00
7th St. Garage - 1G EXPENSES		42,244.20	42,636.70	41,810.05	43,570.68	42,425.98	44,072.55	43,631.45	43,186.98	44,835.53	49,197.68	53,633.61	51,318.18	542,463.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		13,122.48	19,546.31	59,250.08	67,595.50	51,467.76	151,318.89	82,707.70	75,157.19	49,766.30	68,320.57	76,362.18	38,321.24	752,936.20

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	147,540.55	134,285.03	144,999.03	157,629.02	132,532.73	164,732.73	157,110.23	156,538.30	135,651.39	154,960.57	137,957.29		1,623,936.87
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00
Revenue-Monthly Permits	480-8000-344596	18,300.00	17,820.00	16,920.00	16,980.00	16,860.00	16,740.00	17,280.00	17,580.00	17,820.00	17,460.00	17,820.00		191,580.00
17th Lots - 5A REVENUE (Sales Tax Excluded)		165,840.55	152,105.03	161,919.03	174,609.02	149,392.73	181,472.73	174,390.23	174,118.30	153,471.39	172,420.57	155,777.29	0.00	1,815,516.87
Expenses														
Security Personnel		1,079.76	975.47	751.54	1,116.57	868.11	880.37	766.87	861.84	861.84	1,077.30	861.84		10,101.51
Attendant/Cashier Labor		20,954.86	23,786.82	21,613.21	39,939.99	34,545.43	32,853.50	40,220.02	31,378.04	31,915.59	27,709.22	35,303.01		340,219.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67		24,411.66
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67		5,529.37
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48		4,306.28
17th Lots - 5A EXPENSES		24,595.44	27,323.11	24,925.57	43,617.38	37,974.35	36,294.69	43,547.71	37,134.02	37,671.56	31,814.00	39,670.66	0.00	384,568.50
17th Lots PROFIT/(LOSS)		141,245.11	124,781.92	136,993.46	130,991.64	111,418.37	145,178.04	130,842.52	136,984.28	115,799.83	140,606.57	116,106.63	0.00	1,430,948.37

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.55	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91	83,556.53	1,621,240.80
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	18,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00	17,700.00	202,980.00
17th Lots - 5A REVENUE (Sales Tax Excluded)		140,101.93	153,750.66	158,434.77	169,404.55	173,491.80	179,219.82	158,329.18	165,818.68	138,818.55	144,301.32	141,292.91	101,256.53	1,824,220.80
Expenses														
Security Personnel		1,404.71	738.66	880.37	662.58	1,319.03	883.44	953.99	1,128.84	883.44	828.23	1,174.86	539.89	11,398.04
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.85	21,289.27	22,812.35	21,621.06	18,258.77	23,687.56	20,393.19	259,985.64
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	22,056.15
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th Lots - 5A EXPENSES		24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35	23,493.90	304,169.63
17th Lots PROFIT/(LOSS)		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56	77,762.63	1,520,051.17

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	105,889.88	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.88	111,796.59	110,433.27	99,008.57	1,426,973.74
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,820.00	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.00
17th Lots - 5A REVENUE (Sales Tax Excluded)		123,709.88	139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.88	127,696.59	126,993.27	115,988.57	1,633,733.74
Expenses														
Security Personnel		1,883.74	1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.30
Attendant/Cashier Labor		17,939.85	30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.94
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,359.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		386.87	350.40	332.23	322.18	565.72	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,697.76
17th Lots - 5A EXPENSES		22,379.80	34,744.49	23,483.10	26,455.06	26,736.92	24,915.30	22,957.07	23,286.72	35,523.92	21,760.41	21,689.94	25,062.35	308,995.08
17th Lots PROFIT/(LOSS)		101,330.08	104,267.44	115,107.46	124,242.69	129,555.59	132,734.14	104,605.02	122,853.75	87,876.76	105,936.18	105,303.33	90,926.22	1,324,738.66

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	84,476.22	86,054.63	129,752.12	132,730.72	133,767.55	155,170.88	123,970.06	119,955.85	116,868.05	108,329.32	115,012.11	102,521.07	1,408,808.58
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	17,760.00	16,080.00	16,140.00	14,940.00	15,780.00	17,460.00	17,040.00	16,680.00	18,800.00	16,080.00	17,760.00	17,760.00	200,280.00
17th Lots - 5A REVENUE (Sales Tax Excluded)		102,236.22	102,134.63	145,892.12	147,670.72	149,547.55	172,630.88	141,010.06	136,635.85	133,668.05	124,409.32	132,772.11	120,281.07	1,608,888.58
Expenses														
Security Personnel		857.65	726.48	726.48	728.00	489.20	964.75	955.32	1,327.81	1,471.71	1,554.13	1,691.61	1,559.16	13,052.30
Attendant/Cashier Labor		17,436.09	16,120.74	17,827.14	18,512.07	19,388.97	20,846.52	21,119.07	19,675.74	17,955.12	17,566.44	19,212.48	20,566.65	226,227.03
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,000.04
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.04
FP&L		457.83	601.13	483.88	354.56	335.36	324.34	348.11	343.62	362.67	362.54	417.81	404.38	4,796.23
17th Lots - 5A EXPENSES		20,920.91	19,617.69	21,206.84	21,763.97	22,382.87	24,304.95	24,591.84	23,516.51	21,958.84	21,652.45	23,491.24	24,699.53	270,107.64
17th Lots PROFIT/(LOSS)		81,315.31	82,516.94	124,685.28	125,906.75	127,164.68	148,325.93	116,418.22	113,119.34	111,709.21	102,756.87	109,280.87	95,581.54	1,338,780.94

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	30,426.16	28,304.67	28,033.65	33,959.80	30,588.77	41,540.19	38,421.76	33,882.20	30,041.58	37,902.81	34,535.82		367,637.41
Revenue-Monthly Permits	480-8000-344593	4,860.00	4,800.00	4,860.00	3,960.00	3,840.00	3,840.00	3,900.00	3,660.00	3,720.00	3,780.00	3,840.00		45,060.00
	12th St. - 2A REVENUE	35,286.16	33,104.67	32,893.65	37,919.80	34,428.77	45,380.19	42,321.76	37,542.20	33,761.58	41,682.81	38,375.82	0.00	412,697.41
	(Sales Tax Excluded)													
Expenses														
Security Personnel		9,388.15	7,486.96	7,426.42	9,748.51	12,688.78	7,509.24	8,199.43	7,574.02	7,489.33	9,138.10	5,622.91		92,222.85
Attendant/Cashier Labor		7,077.27	7,064.21	7,132.13	11,864.49	9,852.08	10,122.65	12,987.00	10,371.56	10,392.40	10,418.46	12,702.02		109,994.27
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54		1,193.94
Elevator Maintenance		487.50	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	866.00	1,155.00		3,508.50
Garage Cleaning/Maintenance		1,521.00	1,285.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00		16,495.00
	12th St. - 2A EXPENSES	18,562.46	16,079.71	16,313.09	23,387.54	24,275.40	19,386.43	22,940.97	19,700.12	19,606.27	22,053.10	21,108.47	0.00	223,414.56
	12th St. - 2A PROFIT/(LOSS)	16,723.70	17,024.96	16,580.56	14,532.26	10,153.37	25,993.76	19,380.79	17,842.08	14,155.31	19,629.71	17,266.35	0.00	189,282.85

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	26,360.74	25,345.79	24,450.45	29,483.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.79	29,747.65	30,476.60	18,809.37	342,510.23
Revenue-Monthly Permits	480-8000-344593	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,880.00	4,860.00	4,980.00	5,100.00	4,860.00	59,220.00
	12th St. - 2A REVENUE	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.79	34,727.65	35,576.60	23,669.37	401,730.23
	(Sales Tax Excluded)													
Expenses														
Security Personnel		8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	10,395.76	8,230.11	7,938.69	9,365.08	6,408.01	103,307.84
Attendant/Cashier Labor		7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,602.38	7,354.19	7,113.84	8,960.87	8,015.15	89,572.19
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Elevator Maintenance		125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,302.48
Garage Cleaning/Maintenance		1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	1,521.00	18,477.50
	12th St. - 2A EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.58	17,221.98	19,764.18	17,358.59	16,876.32	24,062.24	16,177.70	218,122.01
	12th St. - 2A PROFIT/(LOSS)	14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,890.20	17,851.33	11,514.36	7,491.67	183,608.22

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
12th Street Garage - 2A	Revenue-Ticket	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,465.96
	Revenue-Monthly Permits	5,340.00	5,520.00	5,220.00	4,880.00	4,920.00	5,100.00	5,040.00	4,920.00	4,860.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,265.96
Expenses	Security Personnel	8,245.44	8,232.15	8,235.63	10,779.20	8,166.92	8,233.17	10,238.91	8,237.06	10,302.50	8,241.55	10,299.64	8,252.59	107,464.78
	Attendant/Cashier Labor	7,054.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,383.82
	FP&L	102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.46
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	0.00	0.00	0.00	0.00	166.67	125.00	1,041.67
	Garage Cleaning/Maintenance	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. - 2A EXPENSES	17,133.53	20,325.41	16,968.18	19,916.29	16,979.13	17,124.52	18,715.48	16,823.20	22,950.39	17,388.17	19,288.61	17,691.55	221,284.46
	12th St. - 2A PROFIT/(LOSS)	12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
12th Street Garage - 2A	Revenue-Ticket	19,351.18	20,201.87	24,554.47	26,555.85	27,769.02	43,802.33	28,116.91	29,947.18	25,610.78	29,315.51	29,535.22	20,867.59	325,627.91
	Revenue-Monthly Permits	8,040.00	6,960.00	8,160.00	8,160.00	5,100.00	5,280.00	5,280.00	5,280.00	5,280.00	5,340.00	5,160.00	4,320.00	72,360.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	27,391.18	27,161.87	32,714.47	34,715.85	32,869.02	49,082.33	33,396.91	35,227.18	30,890.78	34,655.51	34,695.22	25,187.59	397,987.91
Expenses	Security Personnel	5,628.00	5,647.95	4,077.36	6,053.88	5,471.53	5,445.92	5,466.54	6,157.30	6,871.50	8,471.54	9,914.88	8,846.72	78,051.12
	Attendant/Cashier Labor	6,349.23	6,522.24	7,031.79	7,057.86	6,517.50	6,538.83	6,640.74	7,730.94	6,538.83	7,146.55	6,980.04	6,980.03	82,013.58
	FP&L	73.28	88.02	82.31	85.34	77.11	68.73	64.09	56.51	60.30	60.94	49.38	105.95	871.96
	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,500.00
	Garage Cleaning/Maintenance	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	19,269.00
	12th St. - 2A EXPENSES	13,779.26	13,968.86	12,922.21	14,927.83	13,786.89	13,784.23	13,902.12	15,675.50	15,201.38	17,408.78	18,675.05	17,643.45	181,705.66
	12th St. - 2A PROFIT/(LOSS)	13,611.92	13,172.91	19,792.26	19,788.02	19,072.13	35,298.10	19,494.79	19,551.68	15,689.40	17,246.73	16,020.17	7,544.14	216,282.25

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	40,924.28	49,370.08	49,987.85	61,116.83	59,138.34	71,978.42	65,391.58	60,814.97	54,936.46	69,607.42	62,914.05		646,180.28
Revenue-Monthly Permits	480-8000-344527	8,400.00	8,340.00	8,640.00	8,520.00	8,520.00	8,460.00	8,160.00	7,800.00	8,040.00	7,620.00	8,460.00		90,960.00
	13th St. - 17A REVENUE (Sales Tax Excluded)	49,324.28	57,710.08	58,627.85	69,636.83	67,658.34	80,438.42	73,551.58	68,614.97	62,976.46	77,227.42	71,374.05	0.00	737,140.28
Expenses														
Security Personnel		12,276.14	9,837.48	9,843.61	12,865.09	9,914.16	9,886.55	10,960.18	9,623.90	10,024.88	12,155.64	9,498.20		116,885.73
Attendant/Cashier Labor		15,477.93	15,299.85	15,169.47	24,685.51	20,272.64	16,504.59	13,862.76	11,970.10	11,178.06	11,195.64	13,992.22		169,608.77
Landscape Maintenance		420.67	519.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67		2,890.37
FP&L		1,404.98	1,372.89	1,419.60	1,694.00	1,531.15	1,627.45	1,474.46	1,362.95	1,602.03	1,607.35	1,495.92		16,592.38
Revenue Control Equipment Maintenance		750.00	750.00	750.00	750.00	750.00	750.00	750.00	3,516.66	3,516.66	1,650.00	1,891.66		15,924.98
Elevator Maintenance		680.13	170.00	170.00	170.00	170.00	170.00	374.00	170.00	170.00	170.00	1,655.00		4,068.13
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00		4,648.00
Garage Cleaning/Maintenance		1,621.00	1,521.00	1,621.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00		16,731.00
	13th St. - 17A EXPENSES	32,950.85	29,890.89	29,510.35	42,322.27	34,795.62	31,096.26	29,579.07	28,800.88	28,649.30	28,949.20	30,703.67	0.00	347,248.36
	13th St. -17A PROFIT/(LOSS)	16,373.43	27,819.19	29,117.50	27,314.56	32,862.72	49,342.16	43,972.51	39,814.09	34,327.16	48,278.22	40,670.38	0.00	389,891.92

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.65	66,648.56	57,641.13	54,078.51	48,663.54	54,472.86	31,909.35	14,673.84	566,149.50
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,580.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	8,400.00	99,840.00
	13th St. - 17A REVENUE (Sales Tax Excluded)	56,128.34	54,810.86	48,620.44	58,749.52	62,372.65	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	23,073.84	665,989.50
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	9,779.19	12,638.10	9,865.08	9,993.91	12,346.69	8,122.74	122,155.46
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,516.07	15,327.27	16,273.85	15,144.77	15,186.57	18,636.90	16,921.34	186,819.28
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	935.67	216.67	3,319.04
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.76
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	8,250.00
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	170.00	467.18	170.00	279.60	170.00	170.00	3,723.78
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	1,318.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	1,483.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	1,521.00	17,174.00
	13th St. - 17A EXPENSES	29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	29,386.11	32,488.78	29,454.50	29,569.73	36,314.24	29,526.73	365,341.32
	13th St. -17A PROFIT/(LOSS)	26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	30,049.73	26,329.04	34,023.13	3,935.11	(6,452.89)	300,648.18

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A**

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,388.78	43,317.00	47,741.10	52,219.62	39,794.83	593,059.39
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,960.00	8,520.00	8,580.00	8,280.00	7,800.00	7,800.00	98,180.00
	13th St. - 17A REVENUE	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,932.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.39
	(Sales Tax Excluded)													
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.05
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,596.18	14,460.50	21,779.99	14,556.50	14,996.27	15,185.54	191,459.50
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.78
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.00
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,899.50
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.50
	13th St. - 17A EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,891.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.99
	13th St. -17A PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,587.17	312,176.40

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	35,899.53	39,704.67	48,733.70	54,790.14	54,390.32	77,671.33	59,950.29	54,383.08	47,829.10	49,161.20	53,615.90	40,880.78	617,010.04
Revenue-Monthly Permits	480-8000-344527	9,180.00	8,940.00	8,760.00	8,820.00	8,220.00	7,980.00	7,620.00	7,320.00	8,340.00	7,260.00	7,980.00	8,220.00	98,640.00
	13th St. - 17A REVENUE	45,079.53	48,644.67	57,493.70	63,610.14	62,610.32	85,651.33	67,570.29	61,703.08	56,169.10	56,421.20	61,595.90	49,100.78	715,650.04
	(Sales Tax Excluded)													
Expenses														
Security Personnel		7,142.75	7,108.79	7,166.41	7,119.48	6,997.61	7,147.96	7,195.87	8,245.09	8,637.02	10,823.70	12,883.59	11,049.26	101,517.53
Attendant/Cashier Labor		13,937.21	14,172.20	14,461.81	14,696.96	13,857.82	14,075.59	14,164.58	14,765.85	13,999.64	14,581.81	14,755.44	14,789.62	172,258.53
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.04
FP&L		1,280.63	921.48	1,494.51	1,596.48	1,530.93	1,387.84	1,244.67	1,138.47	1,255.03	1,171.78	1,162.33	1,327.70	15,511.85
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	304.00	3,648.00
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	6,206.16
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	17,796.00
	13th St. - 17A EXPENSES	24,861.44	24,723.32	25,643.58	25,933.77	24,907.21	25,132.24	25,125.97	26,670.26	26,412.54	29,096.14	31,322.21	29,687.43	319,538.11
	13th St. -17A PROFIT/(LOSS)	20,198.09	23,921.35	31,850.12	37,676.37	37,703.11	60,519.09	42,444.32	35,032.82	29,756.56	27,323.06	30,273.69	19,413.35	396,111.93

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	88,600.95	82,514.96	86,304.68	112,249.71	122,302.81	184,856.92	119,298.55	106,561.67	71,170.03	106,953.01	91,550.46		1,172,363.75
Revenue - Valet	463-8000-344587	20,704.86	21,289.74	22,289.72	15,603.28	29,600.94	14,369.16	21,817.28	25,678.51	19,607.94	34,423.36	36,415.88		261,800.49
Revenue-Monthly Permits	463-8000-344903	28,760.00	30,060.00	30,450.00	30,650.00	30,800.00	30,200.00	30,150.00	30,200.00	30,100.00	30,100.00	32,150.00		333,620.00
16th St. Anchor - REVENUE (Sales Tax Excluded)		138,065.63	133,864.70	139,044.40	158,502.99	182,703.75	229,426.08	171,265.83	162,440.18	120,877.97	171,476.37	160,116.34	0.00	1,767,764.24
Expenses														
Security Personnel		15,377.39	12,631.97	12,484.73	15,631.96	12,668.78	12,530.75	13,631.96	11,967.96	12,248.30	15,061.26	11,030.36		145,285.44
Attendant/Cashier Labor		16,096.04	16,109.38	16,350.94	26,132.55	23,955.70	22,606.20	27,423.35	22,696.42	21,660.15	21,594.66	27,446.64		242,022.01
FP&L		4,138.44	4,138.44	3,384.80	3,942.83	4,252.58	2,711.52	3,239.29	3,610.07	4,015.70	3,844.35	4,232.00		41,510.02
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	825.00	825.00	775.00		8,875.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00		4,646.00
Elevator Maintenance		1,675.97	1,097.97	2,457.97	1,097.97	1,442.97	1,097.97	1,097.97	1,097.97	1,097.97	1,180.64	1,180.64		14,526.01
Landscape and Lot Maintenance		152.00	190.00	190.00	152.00	152.00	152.00	152.00	152.00	152.00	152.00	152.00		1,749.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00		101,662.00
Sanitation (Waste Removal)		179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01		1,969.11
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00		2,750.00
16th St. - Anchor EXPENSES		48,265.85	45,033.75	45,734.45	57,823.32	53,338.04	49,984.45	56,410.60	50,660.43	50,090.13	52,752.92	54,920.65	0.00	564,994.59
16th St. PROFIT/(LOSS)		89,799.78	88,830.95	93,309.95	100,679.67	129,365.71	179,461.63	114,855.23	111,779.75	70,787.84	118,723.45	105,165.69	0.00	1,202,769.65

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	42,528.02	1,143,529.33
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,236.91	21,732.25	28,007.46	37,609.35	3,287.38	264,270.56
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,484.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
16th St. Anchor - REVENUE (Sales Tax Excluded)		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	145,531.26	147,536.90	125,579.92	156,881.77	165,690.19	73,365.40	1,736,144.75
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	10,164.07	169,394.20
Attendant/Cashier Labor		15,867.24	16,060.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,989.24	17,947.67	196,680.58
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	45,600.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	9,975.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,787.13	1,097.97	16,526.43
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	190.00	152.00	1,938.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	64,194.80
Sanitation (Waste Removal)		171.64	171.84	171.43	161.96	181.96	174.34	171.64	179.01	179.01	179.01	179.01	179.01	2,119.68
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,086.30
16th St. - Anchor EXPENSES		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,891.26	39,649.72	504,575.02
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,998.93	33,715.68	1,231,569.73

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	42,528.02	1,143,529.33
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,286.91	21,732.25	28,007.48	37,609.35	3,287.38	264,270.56
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,484.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
16th St. Anchor - REVENUE (Sales Tax Excluded)														
		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.26	147,536.90	125,579.92	156,881.77	165,690.19	73,365.40	1,736,144.75
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	17,009.29	15,641.13	13,312.95	16,536.88	10,164.07	159,394.20
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,584.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	17,947.67	196,880.58
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	45,600.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	9,975.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,787.13	1,097.97	16,526.43
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	22,325.40	4,864.00	152.00	152.00	4,864.00	152.00	1,938.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	171.64	179.01	179.01	179.04	179.01	179.01	2,119.69
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	250.00	250.00	346.30	250.00	250.00	250.00	3,096.30
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	39,649.72	504,575.02
16th St. - Anchor EXPENSES														
		38,100.66	36,459.11	37,887.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	39,649.72	504,575.02
16th St. PROFIT/(LOSS)														
		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,079.61	115,233.67	117,998.93	33,715.68	1,231,569.73

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41,602.27	78,888.26	78,940.89	60,237.40	259,668.92
Revenue - Valet	463-8000-344587	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,528.04	27,238.32	20,904.67	20,751.40	80,422.43
Revenue-Monthly Permits	463-8000-344903	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00	25,400.00	26,250.00	26,300.00	78,050.00
16th St. Anchor - REVENUE (Sales Tax Excluded)														
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	53,230.31	131,526.58	126,095.56	107,288.80	418,141.25
Expenses														
Security Personnel		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9,645.65	13,912.95	16,779.23	13,115.19	53,453.02
Attendant/Cashier Labor		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11,497.82	15,067.01	15,440.52	17,158.12	59,183.47
FP&L		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,850.00	3,800.00	3,800.00	3,800.00	14,250.00
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	775.00	775.00	775.00	975.00	3,300.00
Armed Guard Revenue Pickup		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517.18	566.67	525.00	420.00	2,028.85
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,561.00	1,542.74	3,103.74
Landscape and Lot Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	450.00	164.67	164.67	164.67	944.01
Garage Cleaning/Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,657.16	2,924.40	3,024.40	2,924.40	10,530.36
Sanitation (Waste Removal)		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.25	175.00	168.27	168.27	643.23
Fire Alarm Service		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	180.00	430.00	250.00	250.00	1,110.00
16th St. - Anchor EXPENSES														
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27,704.06	37,835.70	42,488.09	40,518.83	148,546.68
16th St. PROFIT/(LOSS)														
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,526.25	93,690.88	83,607.47	66,769.97	269,594.57

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,996.27	3,087.87	2,986.91	3,523.36	5,580.37	3,684.11	3,179.44	3,264.48	2,909.35	3,046.75	5,689.53		39,958.44
Revenue-Monthly Permits	480-8000-344595	34,020.00	33,360.00	33,720.00	33,720.00	33,720.00	24,720.00	25,020.00	25,680.00	25,860.00	25,740.00	25,680.00		321,240.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	37,016.27	36,447.87	36,706.91	37,243.36	39,300.37	28,404.11	28,198.44	28,944.48	28,769.35	28,786.75	31,379.53	0.00	361,198.44
Expenses														
Security Personnel		10,306.80	8,245.44	8,214.77	10,306.80	8,217.83	8,245.44	8,156.48	7,960.05	8,043.84	10,054.80	6,008.94		93,761.19
Attendant/Cashier Labor		3,215.99	3,061.85	3,176.80	5,232.89	5,826.12	4,422.79	5,523.08	5,202.01	4,404.76	4,188.31	5,339.12		49,593.52
FP&L		1,805.96	1,982.13	1,927.13	1,725.18	1,964.05	1,820.02	1,856.45	1,527.52	1,661.10	1,967.00	2,081.77		20,518.31
Revenue Control Equipment Maintenance		0.00	110.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,891.66		2,001.66
Elevator Maintenance		1,819.16	430.00	430.00	430.00	430.00	430.00	430.00	430.00	430.00	430.00	591.48		6,280.64
Landscape Maintenance		3,392.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00
Garage Cleaning/Maintenance		20,539.91	17,221.42	17,140.70	21,086.67	19,830.00	18,310.25	19,358.01	18,511.58	18,131.70	20,032.11	19,304.97	0.00	209,467.32
	42nd St. - 8A EXPENSES	46,476.36	39,974.45	39,886.21	46,156.69	40,470.37	39,093.86	40,841.43	39,432.90	39,637.65	40,754.64	39,304.97	0.00	409,467.32
	42nd St. PROFIT/(LOSS)													151,731.12

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.59	3,415.88	3,842.04	10,966.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	2,752.32	49,431.73
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	34,620.00	406,620.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	37,970.48	37,743.59	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	38,605.41	38,107.46	38,119.65	28,282.80	37,372.32	456,051.73
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	7,251.57	104,895.20
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	3,848.22	41,551.86
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,871.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	430.00	6,556.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	136.00	0.00	0.00	0.00	136.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	1,796.50	1,780.00	1,780.00	1,796.50	1,837.75	1,796.50	3,392.00	23,112.25
	42nd St. - 8A EXPENSES	15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	15,472.17	18,620.89	15,608.99	15,347.04	18,582.75	16,727.75	197,923.63
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	19,984.52	22,498.47	22,772.61	9,700.05	20,644.57	258,128.10

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A**

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.99	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.8
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.0
	42nd St. - 8A REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.99	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.8
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.5
Attendant/Cashier Labor		2,639.24	3,686.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,999.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.9
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.5
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	217.50	-217.50	0.00	0.00	0.00	0.00	0.0
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.0
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.0
	42nd St. - 8A EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.0
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.8

LOCATION	ACCOUNTING CODE	2001 October	2001 November	2001 December	2002 January	2002 February	2002 March	2002 April	2002 May	2002 June	2002 July	2002 August	2002 September	FY 2001/2002 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	1,601.88	1,333.32	1,521.14	1,880.75	12,211.58	1,915.21	2,176.52	3,171.84	1,733.32	2,189.65	2,268.56	1,882.57	33,886.3
Revenue-Monthly Permits	480-8000-344595	21,540.00	19,200.00	19,500.00	18,060.00	16,380.00	17,040.00	18,120.00	17,760.00	18,660.00	18,300.00	36,360.00	35,700.00	256,620.0
	42nd St. - 8A REVENUE (Sales Tax Excluded)	23,141.88	20,533.32	21,021.14	19,940.75	28,591.58	18,955.21	20,296.52	20,931.84	20,393.32	20,489.65	38,628.56	37,582.57	290,506.3
Expenses														
Security Personnel		5,790.16	8,179.71	7,737.08	7,429.88	7,516.66	7,530.52	7,768.30	7,628.81	9,240.26	11,182.27	13,105.58	12,017.45	105,126.6
Attendant/Cashier Labor		3,050.19	2,474.28	2,320.23	2,242.02	4,680.24	2,737.35	2,471.91	2,628.33	2,479.02	2,381.85	2,526.02	2,522.32	32,513.7
FP&L		1,471.76	1,480.00	744.79	1,423.20	1,433.94	1,850.98	1,647.89	1,655.88	1,650.65	1,629.72	1,358.53	1,597.13	17,944.4
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	15,420.0
	42nd St. - 8A EXPENSES	11,597.11	13,418.99	12,087.10	12,380.10	14,915.84	13,403.85	13,173.10	13,198.02	14,654.93	16,478.84	18,275.13	17,421.90	171,004.9
	42nd St. PROFIT/(LOSS)	11,544.77	7,114.33	8,934.04	7,560.65	13,675.74	5,551.36	7,123.42	7,733.82	5,738.39	4,010.81	20,353.43	20,160.67	119,501.4

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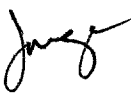


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez 

DATE: December 7, 2005

SUBJECT: **STATUS REPORT ON THE REHABILITATION OF THE EXISTING BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building (Building A), construction of a new facility which will include three apparatus bays and living quarters for the station's fire crews and an Emergency Operations Center (Building B).

Jasco Construction Company (Jasco) is the Construction Manager at Risk and STA Architectural Group (STA) is the architect/engineer (A/E). The Guaranteed Maximum Price (GMP) for the project is \$8,096,580. The first Notice to Proceed for construction was issued on November 22, 2004. Construction and move in of fire personnel into Building B is expected to require 15 months. Following this, renovation of Building A, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.

Vertical construction of Building B is well underway. The underground drainage system for the site is currently being installed. All structural and grade work within the building footprint and the concrete slab and first floor walls have been completed. The slab for the second floor has been completed and the contractor is currently working on setting block and beams for the second floor walls. The contractor has also begun setting the forms in order to pour the third floor. The third floor is expected to be poured on December 15, 2005.

The City recently approved two time-only change orders related to recent storms. A four (4) day time extension was approved related to Hurricane Rita and a fifteen (15) day extension was approved related to time lost during Hurricane Katrina. A possible time-only extension to the contract is also expected for time lost during Hurricane Wilma.


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MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez *Jorge*

DATE: December 7, 2005

SUBJECT: **STATUS REPORT ON THE CONSTRUCTION OF THE FIRE STATION NO. 4**

The Notice to Proceed for the construction of Fire Station No. 4 was issued on November 15, 2004. Carivon Construction, the prime contractor, began with site and foundation work activities and completed concrete grade beams and stem walls, as well as the installation of the underground electrical, water and drainage systems.

Structural construction has been completed, including the architectural wall, concrete floor slab, concrete block walls, beams and columns, and the building is topped out. The retaining wall, along the west side, and the roof decks have been poured. The interior of the building is being cleaned and interior walls are being framed and/or furred in preparation for the installation of drywall. Windows and door frames are being installed to close the building from the elements. The HVAC units were installed and the contractor is now assembling and installing air conditioning ductwork throughout the building. The plumbing and electrical subcontractors are roughing in the bathrooms, kitchen and dormitories and all pipes and conduits have been installed. Electrical switchgear is also in place.

The site has been set to proper elevation and civil work - including the water, irrigation and fire line connections, have been completed. The rough installation of the sanitary sewer and drainage systems is complete, including the grease trap and grease separator boxes, the drainage well box and roof drains.

The construction is estimated to be at 60% completion and although recent weather events and other site conditions have impacted the progress the work is still on schedule for an early April 2006 Substantial Completion.

JMG
JMG/RCM/JECh/JCC

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Agenda Item D

Date 12-7-05

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MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: City Manager Jorge M. Gonzalez *Jorge*

DATE: December 7, 2005

SUBJECT: **INFORMATION REPORT TO THE MAYOR AND CITY COMMISSION, ON
FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND ALL
EXISTING CITY CONTRACTS FO REWNEWAL OR EXTENSIONS IN THE
NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing city contracts for renewal or extensions, which by their terms or pursuant to change orders exceed \$10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from \$10,000 to \$25,000.

The administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Office Furniture	JC White	3/31/2006	None
2.	Unique Law Enforcement and investigative services	PN Investments, Inc	4/8/2006	None

JMG:PDW:GL *gl*

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MIAMIBEACH

AGENDA ITEM

DATE

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12-7-05

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
3.	Tennis Management and Operations Services	Green Square	4/14/2006	One option year remaining
4.	Underwriting Services	Pool of Firms	4/19/2005	2 (1) Year Option to renew
5.	Motorcycle Lease Agreement	Fort Lauderdale Harley Davidson	4/22/2006	2 (1) Year Option to Renew
6.	Management and Leasing Agreement For The Retail Component of The Anchor Shops and Parking Garage	Miami Beach Redevelopment Agency	4/30/2006	One option year remaining
7.	Padlocks and Other Security Hardware (MDCC 4909-2/05-OTR-SW) (Prop)	Locks Co.	4/30/2006	None
8.	Normandy Village	The Market Company	4/31/2006	None
9.	Lincoln Road	The Market Company	4/31/2006	None
10.	Espanola Way	The Market Company	4/31/2006	None
11.	Concession Agreement	Penrod Brothers, Inc.	5/6/2006	Option to renew to run concurrently with the term of the Lease Agreement Relative to the Building located at 1 Ocean Drive.

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
12.	Various Banking Services	SunTrust Bank	05/9/2006	One year option remaining
13	Professional Services Agreement to Provide to Provide Structural Engineering Plans Processing Services	HJ Ross, DMJM Harris, Balsara	5/29/2006	None


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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: MAYOR AND COMMISSIONERS

CC: JORGE GONZALEZ
CITY MANAGER

FROM: MATTI H. BOWER
COMMISSIONER 

DATE: November 8, 2005

RE: For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the September 13, 2005 PACT Board Meeting and the agenda for the November 8, 2005 Meeting.

MB/lw

RECEIVED
2005 NOV -8 AM 10:44
CITY MANAGERS OFFICE
BY

Agenda Item F1
Date 12-7-05

Minutes of the Board
Miami Performing Arts Center Trust
September 13 , 2005
TEMPLE ISRAEL of GREATER MIAMI
137 NORTHEAST 19TH STREET
THE KAHN ROOM
8:30 AM

IN ATTENDANCE:

Matilde Aguirre
Stanley Arkin
Ricky Arriola
Bill Armstrong
Stu Blumberg
Oscar Braynon II
Sonia Burini
Roger Carlton
Sonia Dula
Ruth Greenfield
Evelyn Greer
Matti Herrera-Bower
James Herron
Robert Ingram
Nancy Liebman
Florene Lithcutt-Nichols
Juan Loumiet
Jay Pons
Antonio Roca
Mario Ernesto Sanchez
Parker Thomson
Penny Thurer
Judy Weiser
David Wilson
Cindy Zilber

ABSENT:

Mike Eidson
T. Willard Fair
Susie Krajsa
Stanley Levine
Marco Rubio
Rosa Sugrañes
Carole Ann Taylor
Velia Yedra

The meeting was called to order by Board vice-chairman James Herron.

President's Report

Michael Hardy reported on the following:

Board Retreat – Dr. Hardy encouraged members to return the retreat questionnaire that was distributed in early September. The Board retreat is scheduled for October 14 and 15, 2005, at the Doral Resort and Spa.

Grants - Miami Performing Arts Center will apply to the State of Florida Department of Cultural Affairs for a Regional Cultural Facilities Grant. This year's funding request is in the amount of \$2.5 million dollars that will be allocated to construction.

Opening Festival - The next Opening Festival Steering Committee meeting will be held in October. The Committee has met on several occasions and includes Board members from the Trust and the Foundation.

IATSE – A meeting was held with the head of the International Alliance of Theatrical Stage Employees (IATSE). A law firm based in New York has been retained as counsel to assist with formal negotiations and to finalize the agreement before the end of the year.

Steinway – Staff recently visited the Steinway piano factory in Queens, New York to investigate the possibility of acquiring instruments for the Center. Representatives also discussed Steinway's sponsorship opportunities at MPAC.

Construction Committee

Stanley Arkin reminded members that tours of the buildings are available and can be scheduled through the Trust/Foundation offices.

According to Ron Austin, August 6, 2006, is still the Center's TCO date.

Paver installation has been completed on the west side of Biscayne Boulevard and installation has now commenced on the east side of the Boulevard. Granite installation has begun on the pedestrian bridge.

Ron Austin reported the following construction related issues:

- The building is 84% complete as of the end of August
- Scaffolding has been removed in the main lobby and the stage doors are completed
- Rail posts on the front of the balconies are almost complete
- Curtain wall installation on the east façade is complete
- Pavers installation on the west side of Biscayne Boulevard is complete
- Finishing experts have been contracted
- Conversations with Cesar Pelli & Associates regarding the management of the project are ongoing

Executive Committee Report

Michael Hardy presented the By-laws and Amended Articles of Incorporation to be approved by the Board. The new amendment creates nine new board positions to be filled by appointments from the Trust.

A motion was made by Juan Loumiet and seconded by Stu Blumberg approving the new By-laws and the Amended Articles of Incorporation. The motion passed unanimously.

Michael Hardy requested approval for the purchase of the Great Plains accounting hardware system at a cost of \$130K. Stanley Arkin made a motion to approve the expense. Stuart Blumberg seconded the motion. The motion passed unanimously.

The Executive Committee has approved the selection of Johnson Controls as the firm to oversee the Center's engineering and custodial services. McRoberts Protective Agency has been awarded the Center's security contract.

Finance Committee Report

David Wilson informed the members of a motion approved by the Finance Committee formalizing the relationship between the Trust's Chief Financial Officer and the Board's Treasurer. The Committee established a dotted line report from the Chief Financial Officer to the Treasurer.

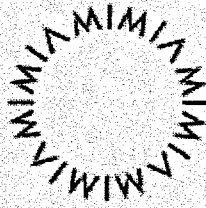
A certificate of appreciation was presented to Judy Weiser, who recently resigned as a member of the Finance Committee. Mrs. Weiser was commended for her contributions and ten year commitment to the Committee.

Governance & Nominating Committee Report

Later this week, the Committee will be meeting with Berit Lakey, the facilitator of the upcoming Board retreat. The purpose of the retreat is to identify and address issues the Board must focus on as their role shifts from the buildings' construction to the actual management of the facility. The recommended reading for the retreat, a book entitled *Governance as Leadership* has been mailed to all interested members.

Meeting adjourned at 10:02 a.m.

Reported by
Yadira E. Boada
Assistant to the President/CEO



MIAMI PERFORMING ARTS CENTER

AGENDA

PACT BOARD MEETING
Tuesday, November 8, 2005
Temple Israel
137 Northeast 19 Street
8:30 AM

- I. Request for Excused Absences
- II. Approval of Minutes
- III. President's Report, Michael C. Hardy, PACT President & CEO
- IV. PACT Committee Reports
 - A. Executive Committee
 - B. Construction Committee
 - C. Management Committee
 - D. Finance Committee
 - E. Governance and Nominating Committee
- V. Reports
 - A. Department of Cultural Affairs
 - B. PACT Board Members

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